



Immigration Act 2016

2016 CHAPTER 19

PART 1

LABOUR MARKET AND ILLEGAL WORKING

CHAPTER 1

LABOUR MARKET

Director of Labour Market Enforcement

7 Information gateways: supplementary

- (1) A disclosure of information which is authorised by section 6 does not breach—
 - (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (2) But nothing in section 6 authorises the making of a disclosure which—
 - (a) contravenes the Data Protection Act 1998, or
 - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (3) Section 6 does not limit the circumstances in which information may be disclosed apart from that section.
- (4) Section 6(1) does not authorise a person serving in an intelligence service to disclose information to the Director or a relevant staff member.

But this does not affect the disclosures which such a person may make in accordance with intelligence service disclosure arrangements.
- (5) Intelligence service information may not be disclosed by the Director or a relevant staff member without authorisation from the appropriate service chief.

Status: This is the original version (as it was originally enacted).

- (6) If the Director or a relevant staff member has disclosed intelligence service information to a person, that person may not further disclose that information without authorisation from the appropriate service chief.
- (7) HMRC information may not be disclosed by the Director or a relevant staff member without authorisation from HMRC Commissioners.
- (8) If the Director or a relevant staff member has disclosed HMRC information to a person, that person may not further disclose that information without authorisation from HMRC Commissioners.
- (9) Subsections (7) and (8) do not apply to national minimum wage information.
- (10) If a person contravenes subsection (7) or (8) by disclosing revenue and customs information relating to a person whose identity—
- (a) is specified in the disclosure, or
 - (b) can be deduced from it,
- section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (11) In this section—
- “appropriate service chief” means—
- (a) the Director-General of the Security Service (in the case of information obtained by the Director or a relevant staff member from that Service or a person acting on its behalf);
 - (b) the Chief of the Secret Intelligence Service (in the case of information so obtained from that Service or a person acting on its behalf);
 - (c) the Director of GCHQ (in the case of information so obtained from GCHQ or a person acting on its behalf);
- “GCHQ” has the same meaning as in the Intelligence Services Act 1994;
- “HMRC information” means information disclosed to the Director or a relevant staff member under section 6 by HMRC Commissioners or a person acting on behalf of HMRC Commissioners;
- “intelligence service” means—
- (a) the Security Service;
 - (b) the Secret Intelligence Service;
 - (c) GCHQ;
- “intelligence service disclosure arrangements” means—
- (a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,
 - (b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, and
 - (c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ;
- “intelligence service information” means information obtained from an intelligence service or a person acting on behalf of an intelligence service;
- “national minimum wage information” means information obtained by an officer in the course of acting—

Status: This is the original version (as it was originally enacted).

- (a) for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act), or
- (b) by virtue of section 26(2);
 - “relevant staff member” has the same meaning as in section 6;
 - “revenue and customs information relating to a person” has the meaning given in section 19(2) of the Commissioners for Revenue and Customs Act 2005.