



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART I

#### HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

##### *Obtaining and disclosure of information*

#### **27 Obtaining of information by the Commission, the Executive, enforcing authorities etc.**

- (1) For the purpose of obtaining—
- (a) any information which the Commission needs for the discharge of its functions; or
  - (b) any information which an enforcing authority needs for the discharge of the authority's functions,

the Commission may, with the consent of the Secretary of State, serve on any person a notice requiring that person to furnish to the Commission or, as the case may be, to the enforcing authority in question such information about such matters as may be specified in the notice, and to do so in such form and manner and within such time as may be so specified.

In this subsection “consent” includes a general consent extending to cases of any stated description.

- (2) Nothing in section 9 of the <sup>M1</sup>Statistics of Trade Act 1947 (which restricts the disclosure of information obtained under that Act) shall prevent or penalise—
- (a) the disclosure by a Minister of the Crown to the Commission or the Executive of information obtained under that Act about any undertaking within the meaning of that Act, being information consisting of the names and address of the persons carrying on the undertaking, the nature of the undertaking's activities, the numbers of persons of different descriptions who work in the undertaking, the addresses or places where activities of the undertaking are or

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were carried on, the nature of the activities carried on there, or the numbers of person of different descriptions who work or worked in the undertaking there; . . . <sup>F1</sup>

(b) . . . . . <sup>F1</sup>

- (3) In the preceding subsection any reference to a Minister of the Crown, the Commission [<sup>F2</sup>or the Executive] includes respectively a reference to an officer of his or of that body and also, in the case of a reference to the Commission, includes a reference to—
- (a) a person performing any functions of the Commission or the Executive on its behalf by virtue of section 13(1)(a);
  - (b) an officer of a body which is so performing any such functions; and
  - (c) an adviser appointed in pursuance of section 13(1)(d).
- (4) A person to whom information is disclosed in pursuance of subsection (2) above shall not use the information for a purpose other than a purpose of the Commission or, as the case may be, of the Executive.

#### Textual Amendments

- F1** S. 27(2)(b) and the word “or” immediately preceding it repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3)(4), [Sch. 6 para. 10\(2\)](#), [Sch. 7 pt. 1](#)
- F2** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), [Sch. 6 para. 10\(3\)](#)

#### Modifications etc. (not altering text)

- C20** S. 27 applied by [S.I. 1989/840](#), [arts. 2-10](#)  
 S. 27: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), [ss. 2\(4\)\(e\)](#), 5 (with s. 3(5))  
 S. 27 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), [reg. 17](#)  
 S. 27 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), [reg. 15](#), [Sch. 14 para. 1\(b\)](#)  
 S. 27 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831](#), [reg. 19\(1\)-\(4\)](#), [Sch. 15 para. 1\(a\)\(b\)](#)
- C21** Ss. 19-28 modified (6.4.1992) by [S.I. 1992/711](#), [regs. 1\(2\)](#), 28(3)(b)(5)(a)  
 S. 27 extended (with modifications) (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(5\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- C22** S. 27 applied (with modifications) (1.1.1993) by [S.I. 1992/3073](#), [reg. 28](#), [Sch. 6 para. 1\(b\)](#)
- C23** S. 27 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), [reg. 24\(1\)](#), [Sch. 8 para. 1\(b\)](#)
- C24** S. 27 applied (11.7.2001) by [S.I. 2001/2127](#), [arts. 4\(1\)](#), 5(1)(2), 6(1), 7(1), 8(1), 10 (with [art. 11](#))
- C25** S. 27 applied (with modifications) (E.W.S.) (3.5.2004) by [S.I. 2004/129](#), [reg. 23\(3\)\(d\)](#); s. 27 applied (with modifications) (E.W.S.) (9.6.2004) by [S.I. 2004/1309](#), [reg. 17](#); s. 27 applied (E.W.S.) (22.4.2005) by [S.I. 2005/928](#), [reg. 4\(2\)\(3\)\(5\)\(6\)](#)
- C26** S. 27(1) applied (with modifications) (E.W.S.) (22.9.2003) by [S.I. 2003/403](#), [reg. 23\(2\)\(d\)\(3\)\(5\)](#) (as amended (25.11.2006) by [S.I. 2006/2815](#), [reg. 8](#))

#### Marginal Citations

- M1** [1947 c. 39](#).

#### <sup>F3</sup>27A Information communicated by the Commissioners of Customs and Excise .

- (1) If they think it appropriate to do so for the purpose of facilitating the exercise or performance by any person to whom sub-section (2) below applies of any of that person’s powers or duties under any of the relevant statutory provisions, the Commissioners of Customs and Excise may authorise the disclosure to that person of

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any information obtained for the purposes of the exercise by the Commissioners of their functions in relation to imports.

- (2) This subsection applies to an enforcing authority and to an inspector.
- (3) A disclosure of information made to any person under subsection (1) above shall be made in such manner as may be directed by the Commissioners of Customs and Excise and may be made through such persons acting on behalf of that person as may be so directed.
- (4) Information may be disclosed to a person under subsection (1) above whether or not the disclosure of the information has been requested by or on behalf of that person.]

#### Textual Amendments

**F3** S. 27A inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, [Sch. 3 para. 4](#)

#### Modifications etc. (not altering text)

- C27** Ss. 19-28 applied (with modifications) (1.1.1993) by [S.I. 1992/3073, reg. 28, Sch. 6 para. 1\(b\)](#)  
Ss. 19-28, 33-35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192, reg. 15, Sch. 14 para. 1\(b\)](#)  
Ss. 19-28, 33-35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831, reg. 19\(1\)-\(4\), Sch. 15 para. 1\(a\)\(b\)](#)
- C28** Ss. 19-28 modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C29** Ss. 19-28 applied (with modifications) (29.11.1999) by [S.I. 1999/2001, reg. 24\(1\), Sch. 8 para. 1\(b\)](#)
- C30** [Ss. 1-59, 80-82](#) applied (11.7.2001) by [S.I. 2001/2127, arts. 4\(1\), 5\(1\)\(2\), 6\(1\), 7\(1\), 8\(1\), 10 \(with art. 11\)](#)
- C31** S. 27A applied (with modifications) (E.W.S.) (3.5.2004) by [S.I. 2004/129, reg. 23\(3\)\(d\)](#); s. 27A applied (with modifications) (E.W.S.) (22.4.2005) by [S.I. 2005/928, reg. 4\(2\)-\(6\)](#)

## 28 Restrictions on disclosure of information. E+W

- (1) In this and the two following subsections—
  - (a) “relevant information” means information obtained by a person under section 27(1) or furnished to any person [<sup>F4</sup>under section 27A above or] in pursuance of a requirement imposed by any of the relevant statutory provisions; and
  - (b) “the recipient”, in relation to any relevant information, means the person by whom that information was so obtained or to whom that information was so furnished, as the case may be.
- (2) Subject to the following subsection, no relevant information shall be disclosed without the consent of the person by whom it was furnished.
- (3) The preceding subsection shall not apply to—
  - (a) disclosure of information to the Commission, the Executive, [<sup>F5</sup> the Environment Agency, the Scottish Environment Protection Agency,] a government department or any enforcing authority;
  - (b) without prejudice to paragraph (a) above, disclosure by the recipient of information to any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions;
  - (c) without prejudice to paragraph (a) above, disclosure by the recipient of information to—

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- (i) an officer of a local authority who is authorised by that authority to receive it,
  - [<sup>F6</sup>(ii) an officer <sup>F7</sup> . . . of a water undertaker, sewerage undertaker, water authority or water development board who is authorised by that <sup>F8</sup> . . . undertaker, authority or board to receive it,]
  - <sup>F9</sup>(iii) . . . . .
  - (iv) a constable authorised by a chief officer of police to receive it;
  - (d) disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case;
  - (e) disclosure of information for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2), or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2).
- (4) In the preceding subsection any reference to the Commission, the Executive, [<sup>F10</sup>the Environment Agency, the Scottish Environment Protection Agency,] a government department or an enforcing authority includes respectively a reference to an officer of that body or authority (including, in the case of an enforcing authority, any inspector appointed by it), and also, in the case of a reference to the Commission, includes a reference to—
- (a) a person performing any functions of the Commission or the Executive on its behalf by virtue of section 13(1)(a);
  - (b) an officer of a body which is so performing any such functions; and
  - (c) an adviser appointed in pursuance of section 13(1)(d).
- (5) A person to whom information is disclosed in pursuance of subsection (3) above shall not use the information for a purpose other than—
- (a) in a case falling within paragraph (a) of that subsection, a purpose of the Commission or of the Executive or [<sup>F11</sup>of the Environment Agency or of the Scottish Environment Protection Agency or]of the government department in question, or the purposes of the enforcing authority in question in connection with the relevant statutory provisions, as the case may be;
  - (b) in the case of information given to an officer of a [<sup>F12</sup>body which is a local authority, <sup>F13</sup> . . . a water undertaker, a sewerage undertaker, a water authority, a river purification board or a water development board, the purposes of the body] in connection with the relevant statutory provisions or any enactment whatsoever relating to public health, public safety or the protection of the environment;
  - (c) in the case of information given to a constable, the purposes of the police in connection with the relevant statutory provisions or any enactment whatsoever relating to public health, public safety or the safety of the State.
- [<sup>F14</sup>(6) References in subsections (3) and (5) above to a local authority include . . . <sup>F15</sup> a joint authority established by Part IV of the Local Government Act 1985 [<sup>F16</sup>and the London Fire and Emergency Planning Authority].]
- (7) A person shall not disclose any information obtained by him as a result of the exercise of any power conferred by section 14(4)(a) or 20 (including, in particular, any information with respect to any trade secret obtained by him in any premises entered by him by virtue of any such power) except—
- (a) for the purposes of his functions; or

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- (b) for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2) or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2); or
- (c) with the relevant consent.

In this subsection “the relevant consent” means, in the case of information furnished in pursuance of a requirement imposed under section 20, the consent of the person who furnished it, and, in any other case, the consent of a person having responsibilities in relation to the premises where the information was obtained.

- (8) Notwithstanding anything in the preceding subsection an inspector shall, in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health, safety and welfare, give to such persons or their representatives the following descriptions of information, that is to say—
- (a) factual information obtained by him as mentioned in that subsection which relates to those premises or anything which was or is therein or was or is being done therein; and
  - (b) information with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions; and, where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons.

[<sup>F17</sup>(9) Notwithstanding anything in subsection (7) above, a person who has obtained such information as is referred to in that subsection may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of relevant facts observed by him in the course of exercising any of the powers referred to in that subsection].

[<sup>F18</sup>(10) The Broads Authority and every National Park authority shall be deemed to be local authorities for the purposes of this section.]

#### Extent Information

- E2** This version of this provision extends to England and Wales only; separate versions have been created for Scotland only and for Northern Ireland (in so far as this provision extends there, see s. 84(1)).

#### Textual Amendments

- F4** Words inserted by [Consumer Protection Act 1987](#) (c. 43, SIF 109:1), s. 36, [Sch. 3 para. 5](#)
- F5** Words in s. 28(3)(a) inserted (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(6\)\(a\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 2](#)
- F6** S. 28(3)(c)(ii) substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 25 para. 46\(a\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- F7** Words in s. 28(3)(c)(ii) repealed (E.W.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(6\)\(b\)\(i\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 2](#)
- F8** Word in s. 28(3)(c)(ii) repealed (E.W.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(6\)\(b\)\(ii\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 2](#)
- F9** S. 28(3)(c)(iii) repealed (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(6\)\(d\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 2](#)
- F10** Words in s. 28(4) inserted (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 30\(6\)\(e\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 2](#)

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- F11** Words in s. 28(5)(a) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 30(6)(f)(i)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F12** Words substituted by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 46(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F13** Words in s. 28(5)(b) repealed (E.W.) (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 30(6)(f)(ii), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F14** S. 28(6) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 52**
- F15** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F16** Words in s. 28(6) added (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 para. 23** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4**
- F17** S. 28(9) inserted by Employment Protection Act 1975 (c. 71), **Sch. 15 para. 9**
- F18** S. 28(10) substituted (E.W.) (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 12** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 2**

#### **Modifications etc. (not altering text)**

- C32** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**  
 Ss. 16–24, 26, 28, 33–40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, **regs. 7, 9**  
 Ss. 16–21, 23, 24, 26, 28, 33, 34, 36–39, 42(1)–(3), 46 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**  
 S. 28: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(e), 5** (with s. 3(5))  
 Ss. 19–28, 33–35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.3.1996) by S.I. 1996/192, **reg. 15, Sch. 14 para. 1(b)**  
 Ss. 19–28, 33–35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.7.1997) by S.I. 1997/831, **reg. 19(1)–(4), Sch. 15 para. 1(a)(b)**  
 S. 28 restricted (15.11.2000) by S.I. 2000/2831, **reg. 23(1)**
- C33** S. 28 amended by S.I. 1982/1496, **reg. 10(1)**  
 S. 28 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 20(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C34** S. 28 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(f)**
- C35** S. 28 restricted (E.W.S.) (1.2.1993) by S.I. 1992/3217, **reg. 15**  
 S. 28 excluded (E.W.S.) (1.4.1999) by S.I. 1999/743, **reg. 21(5)**.
- C36** Ss. 19–28 applied (with modifications) (1.1.1993) by S.I. 1992/3073, **reg. 28, Sch. 6 para. 1(b)**
- C37** Ss. 19–28 modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C38** Ss. 1–59, 80–82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11)
- C39** S. 28 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes) by S.I. 2003/403, **regs. 1(2), 23(2)(e)(3)**
- C40** S. 28(6) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4**  
 s. 28 extended (31.1.1994) by S.I. 1993/3050, **art. 18(1)** (with art. 3).
- C41** S. 28(7): Disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 12**

## **28 Restrictions on disclosure of information. N.I.**

(1) In this and the two following subsections—

- (a) “relevant information” means information obtained by a person under section 27(1) or furnished to any person [<sup>F19</sup>under section 27A above or] in pursuance of a requirement imposed by any of the relevant statutory provisions; and

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- (b) “the recipient”, in relation to any relevant information, means the person by whom that information was so obtained or to whom that information was so furnished, as the case may be.
- (2) Subject to the following subsection, no relevant information shall be disclosed without the consent of the person by whom it was furnished.
- (3) The preceding subsection shall not apply to—
- (a) disclosure of information to the Commission, the Executive, a government department or any enforcing authority;
  - (b) without prejudice to paragraph (a) above, disclosure by the recipient of information to any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions;
  - (c) without prejudice to paragraph (a) above, disclosure by the recipient of information to—
    - (i) an officer of a local authority who is authorised by that authority to receive it,
    - [<sup>F20</sup>(ii) an officer of the National Rivers Authority or of a water undertaker, sewerage undertaker, water authority or water development board who is authorised by that Authority, undertaker, authority or board to receive it,]
    - (iii) an officer of a river purification board who is authorised by that board to receive it, or
    - (iv) a constable authorised by a chief officer of police to receive it;
  - (d) disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case;
  - (e) disclosure of information for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2), or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2).
- (4) In the preceding subsection any reference to the Commission, the Executive, a government department or an enforcing authority includes respectively a reference to an officer of that body or authority (including, in the case of an enforcing authority, any inspector appointed by it), and also, in the case of a reference to the Commission, includes a reference to—
- (a) a person performing any functions of the Commission or the Executive on its behalf by virtue of section 13(1)(a);
  - (b) an officer of a body which is so performing any such functions; and
  - (c) an adviser appointed in pursuance of section 13(1)(d).
- (5) A person to whom information is disclosed in pursuance of subsection (3) above shall not use the information for a purpose other than—
- (a) in a case falling within paragraph (a) of that subsection, a purpose of the Commission or of the Executive or of the government department in question, or the purposes of the enforcing authority in question in connection with the relevant statutory provisions, as the case may be;
  - (b) in the case of information given to an officer of a [<sup>F21</sup>body which is a local authority, the National Rivers Authority, a water undertaker, a sewerage undertaker, a water authority, a river purification board or a water development board, the purposes of the body] in connection with the relevant

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statutory provisions or any enactment whatsoever relating to public health, public safety or the protection of the environment;

- (c) in the case of information given to a constable, the purposes of the police in connection with the relevant statutory provisions or any enactment whatsoever relating to public health, public safety or the safety of the State.

[<sup>F22</sup>(6) References in subsections (3) and (5) above to a local authority include . . . <sup>F23</sup> a joint authority established by Part IV of the Local Government Act 1985 [<sup>F24</sup>and the London Fire and Emergency Planning Authority].]

- (7) A person shall not disclose any information obtained by him as a result of the exercise of any power conferred by section 14(4)(a) or 20 (including, in particular, any information with respect to any trade secret obtained by him in any premises entered by him by virtue of any such power) except—
- (a) for the purposes of his functions; or
  - (b) for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2) or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2); or
  - (c) with the relevant consent.

In this subsection “the relevant consent” means, in the case of information furnished in pursuance of a requirement imposed under section 20, the consent of the person who furnished it, and, in any other case, the consent of a person having responsibilities in relation to the premises where the information was obtained.

- (8) Notwithstanding anything in the preceding subsection an inspector shall, in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health, safety and welfare, give to such persons or their representatives the following descriptions of information, that is to say—
- (a) factual information obtained by him as mentioned in that subsection which relates to those premises or anything which was or is therein or was or is being done therein; and
  - (b) information with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions;
- and, where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons.

[<sup>F25</sup>(9) Notwithstanding anything in subsection (7) above, a person who has obtained such information as is referred to in that subsection may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of relevant facts observed by him in the course of exercising any of the powers referred to in that subsection].

[<sup>F26</sup>(10) For the purposes of this section the Broads Authority shall be treated as a local authority.]

#### **Extent Information**

- E3** This version of this provision applies to Northern Ireland (in so far as this provision extends there, see s. 84(1)(a)); separate versions of this provision have been created for England and Wales only and Scotland only



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### Textual Amendments

- F19** Words inserted by [Consumer Protection Act 1987](#) (c. 43, SIF 109:1), s. 36, **Sch. 3 para. 5**
- F20** S. 28(3)(c)(ii) substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 25 para. 46(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F21** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 25 para. 46(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4), (10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F22** S. 28(6) substituted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 52**
- F23** Words repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F24** Words in s. 28(6) added (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 para. 23** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4**
- F25** S. 28(9) inserted by [Employment Protection Act 1975](#) (c. 71), **Sch. 15 para. 9**
- F26** S. 28(10) added by [Norfolk and Suffolk Broads Act 1988](#) (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 13**

### Modifications etc. (not altering text)

- C42** Ss. 1, 25, 26, 27, 28, 30, 33, 34, 59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2, 10**
- C43** S. 28 amended by S.I. 1982/1496, **reg. 10(1)**  
S. 28 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 20(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 28 restricted (15.11.2000) by S.I. 2000/2831, **reg. 23(1)**
- C44** S. 28 amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(f)**
- C45** Ss. 19–28 applied (with modifications) (1.1.1993) by S.I. 1992/3073, reg. 28, **Sch. 6 para. 1(b)**
- C46** Ss. 19–28 modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C47** Ss. 1–59, 80–82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11)
- C48** S. 28(6) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(l)**  
s. 28 extended (31.1.1994) by S.I. 1993/3050, **art. 18(1)** (with art. 3).
- C49** S. 28(7): Disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 12**

## 28 Restrictions on disclosure of information. **S**

- (1) In this and the two following subsections—
- “relevant information” means information obtained by a person under section 27(1) or furnished to any person [<sup>F27</sup>under section 27A above or] in pursuance of a requirement imposed by any of the relevant statutory provisions; and
  - “the recipient”, in relation to any relevant information, means the person by whom that information was so obtained or to whom that information was so furnished, as the case may be.
- (2) Subject to the following subsection, no relevant information shall be disclosed without the consent of the person by whom it was furnished.
- (3) The preceding subsection shall not apply to—
- disclosure of information to the Commission, the Executive, [<sup>F28</sup>the Environment Agency, the Scottish Environment Protection Agency,] a government department or any enforcing authority;

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- (b) without prejudice to paragraph (a) above, disclosure by the recipient of information to any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions;
  - (c) without prejudice to paragraph (a) above, disclosure by the recipient of information to—
    - (i) an officer of a local authority who is authorised by that authority to receive it,
    - [<sup>F29</sup>(ii) an officer of a water undertaker, sewerage undertaker, sewerage authority or water authority who is authorised by that authority to receive it;]
    - <sup>F30</sup>(iii) . . . . .
    - (iv) a constable authorised by a chief officer of police to receive it;
  - (d) disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case;
  - (e) disclosure of information for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2), or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2).
- (4) In the preceding subsection any reference to the Commission, the Executive, [<sup>F31</sup>the Environment Agency, the Scottish Environment Protection Agency,] a government department or an enforcing authority includes respectively a reference to an officer of that body or authority (including, in the case of an enforcing authority, any inspector appointed by it), and also, in the case of a reference to the Commission, includes a reference to—
- (a) a person performing any functions of the Commission or the Executive on its behalf by virtue of section 13(1)(a);
  - (b) an officer of a body which is so performing any such functions; and
  - (c) an adviser appointed in pursuance of section 13(1)(d).
- (5) A person to whom information is disclosed in pursuance of subsection (3) above shall not use the information for a purpose other than—
- (a) in a case falling within paragraph (a) of that subsection, a purpose of the Commission or of the Executive or [<sup>F32</sup>of the Environment Agency or of the Scottish Environment Protection Agency or] of the government department in question, or the purposes of the enforcing authority in question in connection with the relevant statutory provisions, as the case may be;
  - (b) [<sup>F33</sup>in the case of information given to an officer of a body which is a local authority, a water undertaker, a sewerage undertaker, a sewerage authority or a water authority the purposes of the body in connection] with the relevant statutory provisions or any enactment whatsoever relating to public health, public safety or the protection of the environment;
  - (c) in the case of information given to a constable, the purposes of the police in connection with the relevant statutory provisions or any enactment whatsoever relating to public health, public safety or the safety of the State.
- [<sup>F34</sup>(6) References in subsections (3) and (5) above to a local authority include . . . <sup>F35</sup>a joint authority established by Part IV of the Local Government Act 1985 [<sup>F36</sup>and the London Fire and Emergency Planning Authority].]
- (7) A person shall not disclose any information obtained by him as a result of the exercise of any power conferred by section 14(4)(a) or 20 (including, in particular, any

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information with respect to any trade secret obtained by him in any premises entered by him by virtue of any such power) except—

- (a) for the purposes of his functions; or
- (b) for the purposes of any legal proceedings or any investigation or inquiry held by virtue of section 14(2) or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of section 14(2); or
- (c) with the relevant consent.

In this subsection “the relevant consent” means, in the case of information furnished in pursuance of a requirement imposed under section 20, the consent of the person who furnished it, and, in any other case, the consent of a person having responsibilities in relation to the premises where the information was obtained.

- (8) Notwithstanding anything in the preceding subsection an inspector shall, in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health, safety and welfare, give to such persons or their representatives the following descriptions of information, that is to say—

- (a) factual information obtained by him as mentioned in that subsection which relates to those premises or anything which was or is therein or was or is being done therein; and
- (b) information with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions;

and, where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons.

- [<sup>F37</sup>(9) Notwithstanding anything in subsection (7) above, a person who has obtained such information as is referred to in that subsection may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of relevant facts observed by him in the course of exercising any of the powers referred to in that subsection].

- [<sup>F38</sup>(10) For the purposes of this section the Broads Authority shall be treated as a local authority.]

#### Extent Information

- E4** This version of this provision extends to Scotland only; separate versions of this provision have been created for England and Wales only and for Northern Ireland (in so far as this provision extends there, see s. 84(1))

#### Textual Amendments

- F27** Words inserted by [Consumer Protection Act 1987](#) (c. 43, SIF 109:1), s. 36, [Sch. 3 para. 5](#)
- F28** Words in s. 28(3)(a) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(6\)\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 2](#)
- F29** S. 28(3)(c)(ii) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(6\)\(c\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 2](#)
- F30** S. 28(3)(c)(iii) repealed (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(6\)\(d\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 2](#)
- F31** Words in s. 28(4) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(6\)\(e\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 2](#)
- F32** Words in s. 28(5)(a) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(6\)\(f\)\(i\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 2](#)

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- F33** Words in s. 28(5)(b) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 30(6)(f)(iii)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F34** S. 28(6) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 52**
- F35** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F36** Words in s. 28(6) added (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 para. 23** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art.4**
- F37** S. 28(9) inserted by Employment Protection Act 1975 (c. 71), **Sch. 15 para. 9**
- F38** S. 28(10) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 13**

#### **Modifications etc. (not altering text)**

- C39** S. 28 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes) by S.I. 2003/403, **regs. 1(2), 23(2)(e)(3)**
- C50** Ss. 1, 25, 26, 27, 28, 30, 33, 34, 59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2, 10**  
 Ss. 16-24, 26, 28, 33-40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, **regs. 7, 9**  
 Ss. 16-21, 23, 24, 26, 28, 33, 34, 36-39, 42(1)-(3), 46 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**  
 S. 28: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(e), 5** (with s. 3(5)) Ss. 19-28, 33-35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.3.1996) by S.I. 1996/192, **reg. 15, Sch. 14 para. 1(b)**  
 Ss. 19-28, 33-35, 38, 39, 41, 42 applied (with modifications) (E.W.S.) (1.7.1997) by S.I. 1997/831, **reg. 19(1)-(4), Sch. 15 para. 1(a)(b)**  
 S. 28 restricted (15.11.2000) by S.I. 2000/2831, **reg. 23(1)**
- C51** S. 28 amended by S.I. 1982/1496, **reg. 10(1)**  
 S. 28 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 20(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C52** S. 28 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(f)**
- C53** S. 28 restricted (E.W.S.) (1.2.1993) by S.I. 1992/3217, **reg. 15**  
 S. 28 excluded (E.W.S.) (1.4.1999) by S.I. 1999/743, **reg. 21(5)**.
- C54** Ss. 19-28 applied (with modifications) (1.1.1993) by S.I. 1992/3073, **reg. 28, Sch. 6 para. 1(b)**
- C55** Ss. 19-28 modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C56** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11)
- C57** S. 28 applied (with modifications) (E.W.S.) (22.9.2003) by S.I. 2003/403, **reg. 23(2)(e)(3)**
- C58** S. 28(6) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(l)**  
 s. 28 extended (31.1.1994) by S.I. 1993/3050, **art. 18(1)** (with art. 3).
- C59** S. 28(7): Disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 12**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Obtaining and disclosure of information.