



## 2016 CHAPTER 15

### *Miscellaneous*

#### **Prohibition on disclosure of information held by the Labour Relations Agency**

**23** After Article 90A of the Industrial Relations (Northern Ireland) Order 1992 (fees for exercise of functions by the Labour Relations Agency) insert—

##### **“Prohibition on disclosure of information**

**90B.**—(1) Information held by the Agency shall not be disclosed if the information—

- (a) relates to a worker, an employer of a worker or a trade union (a “relevant person”); and
- (b) is held by the Agency in connection with the provision of a service by the Agency or its officers.

This is subject to paragraph (2).

(2) Paragraph (1) does not prohibit the disclosure of information if—

- (a) the disclosure is made for the purpose of enabling or assisting the Agency to carry out any of its functions;
- (b) the disclosure is made for the purpose of enabling or assisting an officer of the Agency to carry out the functions of a conciliation officer under any statutory provision;
- (c) the disclosure is made for the purpose of enabling or assisting—
  - (i) a person appointed by the Agency under paragraph 9(1) of Schedule 4; or

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Section 23. (See end of Document for details)*

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- (ii) an arbitrator appointed by the Agency under any statutory provision,  
to carry out functions specified in the appointment;
  - (d) the disclosure is made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom);
  - (e) the disclosure is made in order to comply with a court order;
  - (f) the disclosure is made in a manner that ensures that no relevant person to whom the information relates can be identified; or
  - (g) the disclosure is made with the consent of each relevant person to whom the information relates.
- (3) Paragraph (2) does not authorise the making of a disclosure which contravenes the Data Protection Act 1998.
- (4) A person who discloses information in contravention of this Article commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Proceedings for an offence under this Article may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (6) For the purposes of this Article information held by—
- (a) a person appointed by the Agency under paragraph 9(1) of Schedule 4 in connection with functions specified in the appointment; or
  - (b) an arbitrator appointed by the Agency under any statutory provision in connection with functions specified in the appointment,
- is information that is held by the Agency in connection with the provision of a service by the Agency.”.

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#### **Commencement Information**

**II**    [S. 23](#) in operation at 27.1.2020 by [S.R. 2020/1](#), [art. 2\(i\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Section 23.