
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART V

DISCLOSURE OF INFORMATION

Restrictions on general duty under Article 39

- 40.**—(1) No employer shall, by virtue of Article 39, be required to disclose—
- (a) any information the disclosure of which would be against the interests of national security, public safety or public order; or
 - (b) any information which he could not disclose without contravening a prohibition imposed by or under a statutory provision; or
 - (c) any information which has been communicated to the employer in confidence, or which the employer has otherwise obtained in consequence of the confidence reposed in him by another person; or
 - (d) any information relating specifically to an individual, unless he has consented to its being disclosed; or
 - (e) any information the disclosure of which would cause substantial injury to the employer's undertaking for reasons other than its effect on collective bargaining; or
 - (f) any information obtained by the employer for the purpose of bringing, prosecuting or defending any legal proceedings;

and in formulating the provisions of any Code of Practice under Article 90 relating to the disclosure of information, the Agency shall have regard to the provisions of this paragraph.

- (2) In the performance of his duty under Article 39 an employer shall not be required—
- (a) to produce, or allow inspection of, any document (other than a document prepared for the purpose of conveying or confirming the information) or to make a copy of or extracts from any document; or
 - (b) to compile or assemble any information where the compilation or assembly would involve an amount of work or expenditure out of reasonable proportion to the value of the information in the conduct of collective bargaining.

Para.(3) rep. by 1993 NI 11

Changes to legislation:

The Industrial Relations (Northern Ireland) Order 1992, Section 40 is up to date with all changes known to be in force on or before 06 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument excl by [1994 c. 33 s. 127\(8\)](#)
- Instrument restr (pt retrospect) by [1994 c. 33 s. 126\(1\)s. 126\(2\)\(b\)\(4\)](#)