
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Chemicals (Health and Safety) Trade and
Miscellaneous Amendments Regulations 2022**

PART 2

TRADE

Disclosure of chemical trade and safety information within UK

3.—(1) This regulation applies to information which relates to the trade in or safety of chemicals supplied by a relevant trading partner, or such person as a relevant trading partner may specify by written notice to the Secretary of State, for the purpose of giving effect to a provision of the EEA EFTA Agreement (including any annex to such agreement).

(2) The Executive may disclose that information for a permitted purpose.

(3) The following are the “permitted purposes” for the purpose of paragraph (2)—

- (a) to ensure health and safety;
- (b) to ensure protection of consumers;
- (c) to ensure protection of the environment.

(4) A person who receives information as a result of paragraph (2) may—

- (a) use the information for a permitted purpose, or
- (b) further disclose that information with the consent of the Executive.

(5) A person who receives the information following consent by the Executive under subparagraph 4(b) may use or disclose the information in accordance with paragraph (4).

Disclosure of chemical trade and safety information to a relevant trading partner

4.—(1) This regulation applies to information held by the Executive which relates to the trade in or safety of chemicals.

(2) The Executive may disclose information to a relevant trading partner, or such person as the relevant trading partner may specify by written notice to the Secretary of State, for the purpose of giving effect to a provision of the EEA EFTA Agreement (including any annex to such agreement).

General provisions about disclosure of chemical trade and safety information

5.—(1) Nothing in regulation 3 or 4 limits the circumstances in which information may be disclosed under any other enactment or rule of law.

(2) A disclosure under regulation 3 or 4 does not breach—

- (a) any obligation of confidence owed by the Executive, or
- (b) any other restriction on the disclosure of that information (however imposed).

(3) Nothing in this regulation, or regulation 3 and 4, authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, regulation 3 and 4 of these Regulations should be taken into account).

Interpretation of regulations 3 to 5

6. In regulations 3 to 5—

“data protection legislation” has the same meaning as in the Data Protection Act 2018⁽¹⁾;

“EEA EFTA Agreement” means the Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland⁽²⁾;

“relevant trading partner” means a Party, other than the United Kingdom, to the EEA EFTA Agreement;

“the Executive” means the Health and Safety Executive⁽³⁾.

(1) 2018 c. 12. Section 3(9) of the Data Protection Act 2018 was amended by S.I. 2019/419, regulation 4 and Schedule 2, paragraph 1 and 4.

(2) Done at London on 8th July 2021. Volume 1 and 2 published on 16th July 2021, ISBN 978-1-5286-2805-1, CP 496, available at <https://www.gov.uk/government/publications/free-trade-agreement-between-iceland-the-principality-of-liechtenstein-and-the-kingdom-of-norway-and-the-united-kingdom-of-great-britain-and-northern>. A hard copy can be obtained on request from the Department of Work and Pensions.

(3) The Health and Safety Executive was established by section 10 of the Health and Safety at Work etc. Act 1974 (c. 37), which was amended by Article 4 of S.I. 2008/960.