



# Parliamentary Commissioner Act 1967

## 1967 CHAPTER 13

### *Investigation by the Commissioner*

#### **11 Provision for secrecy of information.**

- (1) ..... <sup>F1</sup>
- (2) Information obtained by the Commissioner or his officers in the course of or for the purposes of an investigation under this Act shall not be disclosed except—
- (a) for the purposes of the investigation and of any report to be made thereon under this Act;
  - <sup>F2</sup>(aa) for the purposes of a complaint which is being investigated by the Health Service Commissioner for England or a Local Commissioner (or both);]
  - (b) for the purposes of any proceedings for an offence under <sup>F3</sup>the Official Secrets Acts 1911 to 1989] alleged to have been committed in respect of information obtained by the Commissioner or any of his officers by virtue of this Act or for an offence of perjury alleged to have been committed in the course of an investigation under this Act or for the purposes of an inquiry with a view to the taking of such proceedings; or
  - (c) for the purposes of any proceedings under section 9 of this Act;

and the Commissioner and his officers shall not be called upon to give evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of an investigation under this Act.

<sup>F4</sup>(2A) Where the Commissioner also <sup>F5</sup>holds office as the Health Service Commissioner for England] and a person initiates a complaint to him <sup>F5</sup>in his capacity as the Health Service Commissioner for England] which relates partly to a matter with respect to which that person has previously initiated a complaint under this Act, or subsequently initiates such a complaint, information obtained by the Commissioner or his officers in the course of or for the purposes of investigating the complaint under this Act may be disclosed for the purposes of his carrying out his functions in relation to the other complaint.]

- (3) A Minister of the Crown may give notice in writing to the Commissioner, with respect to any document or information specified in the notice, or any class of documents

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*Status: Point in time view as at 01/08/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Commissioner Act 1967, Section 11. (See end of Document for details)*

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or information so specified, that in the opinion of the Minister the disclosure of that document or information, or of documents or information of that class, would be prejudicial to the safety of the State or otherwise contrary to the public interest; and where such a notice is given nothing in this Act shall be construed as authorising or requiring the Commissioner or any officer of the Commissioner to communicate to any person or for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(4) The references in this section to a Minister of the Crown include references to the Commissioners of Customs and Excise and the Commissioners of Inland Revenue.

[<sup>F6</sup>(5) Information obtained from the Information Commissioner by virtue of section 76(1) of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) of this section as obtained for the purposes of an investigation under this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.]

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#### Textual Amendments

- F1** S. 11(1) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)
- F2** S. 11(2)(aa) inserted (1.8.2007) by [The Regulatory Reform \(Collaboration etc. between Ombudsmen\) Order 2007 \(S.I. 2007/1889\)](#), [art. 8](#)
- F3** Words substituted by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(3), [Sch. 1 para. 1](#)
- F4** S. 11(2A) inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), [s. 4\(1\)](#)
- F5** Words in s. 11(2A) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 4](#); [S.I. 2005/2800](#), [art. 5\(1\)](#) (with 5(2))
- F6** S. 11(5) inserted (30.1.2001) by [2000 c. 36](#), ss. 76(2), 87(2)(b), [Sch. 7 para. 1](#) (with ss. 56, 78)
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#### Modifications etc. (not altering text)

- C1** S. 11 applied with modifications (S.) by [National Health Service \(Scotland\) Act 1978 \(c. 29, SIF 113:2\)](#), [s. 95](#)
- C2** S. 11(2) excluded (S.) by [Local Government \(Scotland\) Act 1975 \(c. 30, SIF 81:2\)](#), [s. 31\(5\)](#)
- C3** S. 11(2A) extended (1.7.1999) by [S.I. 1999/1351](#), [arts. 1](#), 17(1)(b); [S.I. 1998/3178](#), [art. 3](#)

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**Changes to legislation:**

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