



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 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 addresses 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

were carried on, the nature of the activities carried on there, or the numbers of persons of different descriptions who work or worked in the undertaking there ; or

- (b) the disclosure by the Manpower Services Commission, the Employment Service Agency or the Training Services Agency to the Commission or the Executive of information so obtained which is of a kind specified in a notice in writing given to the disclosing body and the recipient of the information by the Secretary of State under this paragraph.
- (3) In the preceding subsection any reference to a Minister of the Crown, the Commission, the Executive, the Manpower Services Commission or either of the said Agencies 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.

28 Restrictions on disclosure of information

- (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 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, 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,
 - (ii) an officer of a water authority or water development board who is authorised by that 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 local authority or of a water authority or of a river purification board or water development board, the purposes of the authority or board 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.
- (6) In subsections (3)(c) and (5) above, before 16th May 1975, the references to a water authority in their application to Scotland shall be construed as references to a regional water board.
- (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

Status: *This is the original version (as it was originally enacted).*

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.