



Telecommunications Act 1984

1984 CHAPTER 12

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

101 General restrictions on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of the provisions of this Act ^{F1}... ; and
 - (b) relates to the private affairs of any individual or to any particular business,
- shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions assigned ^{F2}... to the Secretary of State, ^{F3} or OFCOM by or under this Act ^{F4}... ;
 - (b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, ^{F5}the Competition and Markets Authority^{F6}; ^{F7}the Water Services Regulation Authority^{F8}; ^{F9}the Director General of Electricity Supply^{F10} or the Director General of Electricity Supply for Northern Ireland^{F11} or the Director General of Gas for Northern Ireland^{F12} the Office of Rail and Road^{F13}, OFCOM^{F13}, the Civil Aviation Authority] or a local weights and measures authority in Great Britain under any of the enactments ^{F14} or subordinate legislation] specified in subsection (3) below;
 - ^{F15}(bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;]
 - (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

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- (d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments [^{F14}or subordinate legislation] specified in subsection (3) below; or
- (e) in pursuance of [^{F16}an EU] obligation.
- (3) The enactments [^{F17}and subordinate legislation] referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
- (b) the 1973 Act;
- (c) the Consumer Credit Act 1974;
- ^{F18}(d)
- ^{F18}(e)
- (f) the Estate Agents Act 1979; ^{F19}
- (g) the 1980 Act.
- ^{F20}(h) the Consumer Protection Act 1987.]
- ^{F21}(i) the Consumer Protection (Northern Ireland) Order 1987.]
- ^{F22}(j)
- ^{F23}(j) the Water Act 1989 [^{F24}, or the Water Act 2003].]
- ^{F25}(k) the Electricity Act 1989.]
- ^{F26}(l) the Electricity (Northern Ireland) Order 1992.]
- ^{F27}(ll) The Gas (Northern Ireland) Order 1996;]
- ^{F28}(m) the Railways Act 1993]
- ^{F29}(n) the Competition Act 1998]
- ^{F30}(o) Part I of the Transport Act 2000.]
- ^{F31}(p) the Enterprise Act 2002]
- ^{F32}(q) the Communications Act 2003 ^{F33}...]
- ^{F34}(r) the Railways Act 2005.]
- ^{F35}(s) the Energy (Northern Ireland Order 2003;
- (t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
- ^{F36}(u) the Business Protection from Misleading Marketing Regulations 2008;
- (v) the Consumer Protection from Unfair Trading Regulations 2008.]
- ^{F37}(w) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]
- ^{F38}(4)
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- ^{F39}(6) Information obtained by [^{F40}OFCOM] in the exercise of functions which are exercisable concurrently with [^{F41}the Competition and Markets Authority] under Part I of the Competition Act 1998 is subject to [^{F42}Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (5) of this section.]

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Textual Amendments

- F1** Words in s. 101(1)(a) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 124, 125(1), 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))
- F2** Words in s. 101(2)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 72\(3\)\(a\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\)](#) Note 1); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with art. 11)
- F3** Words in s. 101(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 72\(3\)\(b\)](#) (with [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with art. 11)
- F4** Words in s. 101(2)(a) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 124, 125(1), 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))
- F5** Words in s. 101(2)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 40\(2\)](#) (with art. 3)
- F6** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 68\(2\)\(a\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), 17, 40(4), 57(6), [58](#)
- F7** Words in s. 101(2)(b) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 7 para. 23\(a\)](#); S.I. 2005/2714, [art. 4\(f\)](#) (with art. 5(1), [Sch. 2 para. 8](#))
- F8** Words inserted (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), [Sch. 16 para. 29\(3\)\(a\)](#), [Sch. 17 paras. 33](#), [35\(1\)](#)
- F9** Words in s. 101(2)(b) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), [Sch. 12 para. 29\(a\)](#); S.R. 1992/117, [art. 3\(1\)](#)
- F10** Words in s. 101(2)(b) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), [Sch. 6](#) (with [Sch. 7 paras. 2](#), 3(2)); S.R. 1996/216, [art. 2](#) (with arts. 3, 4)
- F11** Words in s. 101(2)(b) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(f\)](#)
- F12** Words in s. 101(2)(b) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 72\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 3\(1\)](#), [Sch. 1](#) (subject to art. 3(3) and with art. 11)
- F13** Words in s. 101(2)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, [Sch. Pt. IV para. 17\(a\)](#)
- F14** Words inserted by S.I. 1988/915, [reg. 7\(6\)\(f\)\(i\)](#) for the purpose mentioned therein
- F15** S. 101(2)(bb) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), [Sch. 1 para. 3\(a\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, [Sch. Pt. I](#)
- F16** Words in s. 101(2)(e) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))
- F17** Words inserted by S.I. 1988/915, [reg. 7\(6\)\(f\)\(ii\)](#) for the purpose mentioned therein
- F18** S. 101(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 54(3), [Sch. 10 Pt. IV para. 9\(7\)\(a\)](#), [Sch. 14 Pt. I](#) (with s. 73); S.I. 2000/344, art. 2, [Sch.](#)
- F19** Words repealed by [Consumer Protection Act 1987 \(c. 43, SIF 109\)](#), ss. 41(2), 47(1)(2), 48, [Sch. 5](#)
- F20** Paragraph (h) inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109\)](#), ss. 41(2), 47(1)(2), 48, [Sch. 4 para. 9\(1\)](#)
- F21** Paragraph (i) inserted (1.3.1989) after para. (h) by S.I. 1987/2049 (N.I.20), arts. 1(5), 31(5), [Sch. 3 para. 6](#)
- F22** S. 101(3)(i) relating to Control of Misleading Advertisements 1988 repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), regs. 1, 30(1)(3), [Sch. 2 para. 29\(a\)](#), [Sch. 4 Pt. 1](#) (with reg. 28(2)(3))
- F23** Paragraph (j) inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 68\(2\)\(b\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), 17, 40(4), 57(6), [58](#)

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- F24** Words in s. 101(3)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(b)**; S.I. 2004/641 {art. 3(y)}, Sch. 2
- F25** Paragraph (k) inserted (E.W.S) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(b), Sch. 17 paras. 33, **35(1)**
- F26** S. 101(3)(l) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(b)**; S.R. 1992/117, **art. 3 (1)**
- F27** S. 101(3)(ll) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)
- F28** S. 101(3)(m) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), 154(2), **Sch. 12 para. 13(2)**; S.I. 1993/3237, **art. 2(2)**.
- F29** S. 101(3)(n) inserted (11.1.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(7)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F30** S. 101(3)(o) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(b)**
- F31** S. 101(3)(p) inserted (1.4.2003) by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 13(9)(b)}; S.I. 2003/766, **art. 2, Sch.** (with transitional and transitory provisions in art. 3)
- F32** S. 101(3)(q) inserted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(5)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1), 3(1)**, Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3, Sch. 1** (with art. 11)
- F33** Words in s. 101(3)(q) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)
- F34** S. 101(3)(r) inserted (E.W.S) (8.6.2005) by Railways Act 2005 (c. 14), ss. 59, 60(2), **Sch. 12 para. 7**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F35** S. 101(3)(s)(t) inserted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order (S.I. 2006/3336 (N.I. 21), arts. 1, 308(1), **Sch. 12 para. 19(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- F36** S. 101(3)(v)(u) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), regs. 1, 30(1), **Sch. 2 para. 29(a)** (with reg. 28(2)(3))
- F37** S. 101(3)(w) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(3)** (with art. 3)
- F38** S. 101(4) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(6), Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1), 3(1)**, Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F39** S. 101(6) inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(8)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F40** Words in s. 101(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(7)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F41** Words in s. 101(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(4)** (with art. 3)
- F42** Words in s. 101(6) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(c)(ii); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

- C1** S. 101 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), ss. **115**, 120(1); S.I. 2003/2681, **art. 2(b)**
- C2** S. 101(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 23**
- C3** S. 101(3)(q) modified (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, **Sch. para. 7(4)**

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