



Banking Act 2009

2009 CHAPTER 1

PART 1

SPECIAL RESOLUTION REGIME

[^{F1}CHAPTER 4

INFORMATION, INVESTIGATION AND ENFORCEMENT

Enforcement of relevant requirements

[^{F1}83ZY.Publication

- (1) In the case of a warning notice under section 83ZT(1)—
 - (a) neither the Bank of England nor a person to whom it is given or copied may publish the notice,
 - (b) a person to whom the notice is given or copied may not publish any details concerning the notice unless the Bank has published those details, and
 - (c) after consulting the persons to whom the notice is given or copied, the Bank may publish such information about the matter to which the notice relates as it considers appropriate.
- (2) A person to whom a decision notice under section 83ZU(1) is given or copied may not publish the notice or any details concerning it unless the Bank has published the notice or those details.
- (3) A notice of discontinuance must state that, if the person to whom the notice is given consents, the Bank may publish such information as it considers appropriate about the matter to which the discontinued proceedings related.
- (4) A copy of a notice of discontinuance must be accompanied by a statement that, if the person to whom the notice is copied consents, the Bank may publish such information

Changes to legislation: Banking Act 2009, Section 83ZY is up to date with all changes known to be in force on or before 22 April 2024. 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. (See end of Document for details) View outstanding changes

- as it considers appropriate about the matter to which the discontinued proceedings related, so far as relevant to that person.
- (5) Subject to subsection (8), where the Bank gives a decision notice it may publish such information about the matter to which the notice relates as it considers appropriate.
- (6) Where the Bank publishes information under subsection (5) and the person to whom the decision notice is given refers the matter to the Upper Tribunal, the Bank must, without undue delay, publish on its official website information about the status of the appeal and its outcome.
- (7) Subject to subsection (8), where the Bank gives a final notice—
- (a) it must, without undue delay, publish details of any sanction to which the notice relates on its internet website, and
 - (b) it may publish such other information about the matter to which the notice relates as it considers appropriate.
- (8) Information about a matter to which a decision notice or a final notice relates must be published anonymously where—
- (a) the sanction is imposed (or proposed to be imposed) on an individual and following an obligatory prior assessment publication of personal data is found to be disproportionate, or
 - (b) were it not published anonymously, publication would—
 - (i) jeopardise the stability of financial markets or an ongoing criminal investigation, or
 - (ii) cause, insofar as it can be determined, disproportionate damage to the persons involved.
- (9) Where subsection (8) applies, the person publishing the information may make such arrangements as to the publication of information (including as to the timing of publication) as are necessary to preserve the anonymity of the person on whom the sanction is imposed.
- (10) Where the Bank publishes information in accordance with subsections (6) to (9), it must—
- (a) ensure the information remains on its official website for at least five years, unless the information is personal data and [^{F2}the data protection legislation] requires the information to be retained for a different period, ^{F3}...
 - ^{F3}(b)
- (11) In this section—
- [^{F4}“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
- “notice of discontinuance” and “final notice” have the same meaning as in sections 389 and 390 of the Financial Services and Markets Act 2000 (which are applied (with modifications) by section 83ZV).]

Textual Amendments

F1 Pt. 1 Ch. 4 inserted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\)](#), arts. 1(2), **97**

F2 Words in s. 83ZY(10) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 156(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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- F3** S. 83ZY(10)(b) and word omitted (31.12.2020) by virtue of [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), [Sch. 1 para. 37](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 83ZY(11) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 156\(3\)](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)