

These notes refer to the Enterprise and Regulatory Reform Act 2013 (c.24) which received Royal Assent on 25 April 2013

ENTERPRISE AND REGULATORY REFORM ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Employment

Acas

Section 10: ACAS: prohibition on disclosure of information

67. This section introduces a provision into the Trade Union and Labour Relations (Consolidation) Act 1992 prohibiting ACAS, or those appointed by ACAS, from releasing information relating to a worker, employer of a worker, or a trade union, that they hold in the course of performing their functions. Subsection (2) specifies the circumstances in which the prohibition does not apply, for example if the disclosure is made for the purposes of a criminal investigation, or the disclosure is made in a way that means that no-one to whom the information relates can be identified. Subsection (4) makes a breach of the prohibition a criminal offence, punishable by a fine but, by virtue of subsection (5), any such proceedings in England and Wales can only be instituted with the consent of the Director of Public Prosecutions.