
Changes to legislation: Energy Act 2013, Cross Heading: Meaning of “protected information” and related terms is up to date with all changes known to be in force on or before 03 March 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

SCHEDULES

SCHEDULE 9

DISCLOSURE OF INFORMATION

PART 1

PROHIBITION ON DISCLOSURE OF PROTECTED INFORMATION

Meaning of “protected information” and related terms

- 1 (1) In this Schedule “protected information” means information which has been—
- (a) obtained by the ONR under section 97,
 - (b) provided to the ONR, an inspector or a health and safety inspector under section 98,
 - (c) obtained by an inspector as a result of the exercise of any relevant power,
 - (d) obtained by a health and safety inspector in the exercise of any power under section 20 of the 1974 Act (powers of persons appointed under section 19 of that Act),
 - (e) obtained by an ONR inquiry official as a result of the exercise of an ONR inquiry power,
 - (f) provided to a person pursuant to a requirement imposed by any of the relevant statutory provisions, or
 - (g) provided to the ONR or a health and safety inspector pursuant to a requirement imposed by any provision which is one of the relevant statutory provisions for the purposes of Part 1 of the 1974 Act.
- (2) Information is not protected information for the purposes of this Schedule if it has been—
- (a) disclosed as mentioned in paragraph 16, or
 - (b) otherwise made available to the public—
 - (i) by virtue of a disclosure in accordance with Part 3 of this Schedule, or
 - (ii) lawfully from other sources.
- (3) Information received by virtue of a disclosure under paragraph 21 (anonymised information) is not protected information.
- (4) Protected information includes, in particular, information with respect to a trade secret which an inspector, a health and safety inspector or an ONR inquiry official has obtained as a result of entering premises in exercise of a relevant power, a power conferred under section 20 of the 1974 Act or an ONR inquiry power.
- (5) In this Schedule—

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“ONR inquiry official” means a person on whom functions are conferred under section 85(5)(a);

“ONR inquiry power” means a power conferred by regulations under section 85(5)(a);

“the original holder” of protected information means the person who obtained the information, or to whom it was provided, as mentioned in subparagraph (1).

Commencement Information

II Sch. 9 para. 1 in force at 1.4.2014 by S.I. 2014/251, art. 4

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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. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)