National Security and Investment Act 2021

2021 CHAPTER 25

PART 4

MISCELLANEOUS

Information gateways

54 Disclosure of information

(1) A public authority may disclose information to the Secretary of State for the purpose of facilitating the exercise by the Secretary of State of functions under this Act.

(2) The Secretary of State may disclose information received under this Act to a public authority or an overseas public authority—

(a) for the purpose of facilitating the exercise by the Secretary of State of functions under this Act,

(b) for the prevention or detection of crime,

(c) for the purposes of a criminal investigation,

(d) for the purposes of criminal proceedings,

(e) for the purposes of civil proceedings under this Act, or

(f) for the purpose of protecting national security.

(3) The Secretary of State may also disclose such information to an overseas public authority for the purpose of the exercise of corresponding functions of overseas public authorities.

(4) A person who receives information under subsection (2) or (3) may not—

(a) use the information for a purpose other than the purpose for which it was disclosed, or

(b) further disclose the information,

Changes to legislation: *There are currently no known outstanding effects for the National Security and Investment Act 2021, Cross Heading: Information gateways. (See end of Document for details)*

except with the consent of the Secretary of State (which may be general or specific).

(5) Subsection (4) does not apply to information to which section 55 applies (information received from HMRC).

(6) In deciding whether to disclose information under this section, the Secretary of State must consider whether the disclosure would prejudice, to an unreasonable degree, the commercial interests of any person concerned.

(7) In deciding whether to disclose information to an overseas public authority under this section, the Secretary of State must have regard, in particular, to the following considerations—

(a) whether the law of the country or territory to whose authority the disclosure would be made provides protection against self-incrimination in criminal proceedings which corresponds to the protection provided in any part of the United Kingdom, and

(b) whether the matter in respect of which the disclosure is sought is sufficiently serious to justify making the disclosure.

(8) Except as provided by section 57, the disclosure of information under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(9) In this section—

"overseas public authority" means a person in any country or territory outside the United Kingdom which appears to the Secretary of State to exercise functions of a public nature which—

(a) correspond to the functions of the Secretary of State under this Act, or

(b) relate to any of the purposes mentioned in paragraphs (b) to (f) of subsection (2),

"public authority" has the same meaning as in section 6 of the Human Rights Act 1998.

Commencement Information

I1 S. 54 in force at 4.1.2022 by S.I. 2021/1465, **regs. 2**, 3 (with regs. 4, 5)

55 Disclosure of information held by HMRC

(1) A person who receives information disclosed under section 54 by Her Majesty's Revenue and Customs (or anyone acting on their behalf) may not—

(a) use the information for a purpose other than the purpose mentioned in section 54(1), or

(b) further disclose the information,

except with the consent of the Commissioners for Her Majesty's Revenue and Customs (which may be general or specific).

(2) If a person discloses information in contravention of subsection (1)(b) which relates to a person whose identity—

(a) is specified in the disclosure, or

(b) can be deduced from it,

section 19 of the Commissioners for Revenue and Customs Act 2005 (offence of wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of information in contravention of section 20(9) of that Act (and, accordingly, section 35 of this Act does not apply to that disclosure).

(3) Except as provided by section 57, the disclosure of information under this section does not breach—

(a) any obligation of confidence owed by the person disclosing the information, or

(b) any other restriction on the disclosure of information (however imposed).

Commencement Information

I2 S. 55 in force at 4.1.2022 by S.I. 2021/1465, **regs. 2**, 3 (with regs. 4, 5)

Changes to legislation:
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