



# 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,

---

*Status: This is the original version (as it was originally enacted).*

---

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.