
STATUTORY INSTRUMENTS

2017 No. 521

**The Gangmasters and Labour Abuse Authority
(Complaints and Misconduct) Regulations 2017**

PART 2

COMPLAINTS AND MISCONDUCT

Exceptions to the duty to keep the complainant informed and to provide information for other persons

16.—(1) Subject to paragraph (3), the duties mentioned in regulation 13(1) and (2) (duty to keep complainant informed), regulation 14(7) and (8) (duty to provide information for other persons), regulation 69(11) and regulation 70(12) do not apply in circumstances where, in the opinion of the Commission, or, as the case may be, of the Chief Executive, the non-disclosure of information is necessary for the purpose of—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which its non-disclosure is—
 - (i) in the interests of national security;
 - (ii) for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - (iii) required on proportionality grounds; or
 - (iv) otherwise necessary in the public interest.

(2) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.

(3) The Commission or, as the case may be, the Chief Executive must not conclude that the non-disclosure of information is necessary under paragraph (1) unless it or, as the case may be, the Chief Executive is satisfied that—

- (a) there is a real risk of the disclosure of that information causing an adverse effect; and
- (b) that adverse effect would be significant.

(4) Without prejudice to the generality of paragraph (1), the Commission or, as the case may be, the Chief Executive must consider whether the non-disclosure of information is justified under that paragraph in circumstances where—

- (a) that information is relevant to, or may be used in, any actual or prospective disciplinary proceedings or unsatisfactory performance proceedings;
- (b) the disclosure of that information may lead to the contamination of the evidence of witnesses during such proceedings;

- (c) the disclosure of that information may prejudice the welfare or safety of any third party;
- (d) that information constitutes criminal intelligence.