



# Environment Act 2021

## 2021 CHAPTER 30

### PART 1

#### ENVIRONMENTAL GOVERNANCE

### CHAPTER 2

#### THE OFFICE FOR ENVIRONMENTAL PROTECTION

#### *Information*

#### **42 Disclosures to the OEP**

- (1) No obligation of secrecy imposed by statute or otherwise prevents a person from—
  - (a) in accordance with section 27(1), providing the OEP with information in connection with an investigation under section 33, an information notice or a decision notice, or
  - (b) providing information to the OEP in accordance with section 35(3)(b).
- (2) But nothing in this Part—
  - (a) requires a person to provide the OEP with information that the person would be entitled to refuse to provide in civil proceedings on grounds of legal professional privilege (or, in Scotland, confidentiality of communications), or
  - (b) requires a person to provide the OEP with information that the person would be entitled, or required by any rule of law, to refuse to provide in civil proceedings on grounds of public interest immunity.
- (3) No obligation of secrecy imposed by statute or otherwise prevents a relevant ombudsman from providing information to the OEP—
  - (a) for purposes connected with the exercise of the OEP's functions under section 33;

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*Status: This is the original version (as it was originally enacted).*

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- (b) for purposes connected with the co-ordination of the OEP’s functions that relate to investigations under section 33 and the ombudsman’s functions that relate to investigations by the ombudsman.
- (4) Nothing in this Part requires or authorises a disclosure of information that would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duties imposed and powers conferred by this Part).
- (5) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).