
STATUTORY INSTRUMENTS

1991 No. 1713

**The Fair Employment (Amendment)
(Northern Ireland) Order 1991**

Confidentiality of information in possession of the Commission

4.—(1) Section 19 of the Fair Employment (Northern Ireland) Act 1989 (confidentiality of information in possession of the Commission) shall be amended as follows.

(2) For subsection (1) there shall be substituted the following subsections—

“(1) No information in the Commission’s possession which discloses, or from which there can be deduced, the religious belief of any identifiable individual shall, without that individual’s written consent, be disclosed by a member, officer or servant of the Commission to a person who is not associated with the Commission, except so far as such disclosure—

- (a) is necessary or expedient for the proper discharge of the functions of the Commission or is necessary to comply with any obligation imposed by or under an enactment (including this Act); or
- (b) is made for the purpose of, or in connection with—
 - (i) any actual or prospective proceedings before the Tribunal or an industrial tribunal; or
 - (ii) any actual or prospective civil or criminal proceedings before a court.

(1A) For the purposes of subsection (1) above a person is associated with the Commission if—

- (a) he is a member of, or in the employment of, the Commission; or
- (b) his services have been made available to the Commission for the purpose of the exercise of any of its functions.”.

(3) In subsection (3)(b) for the word “necessary” there shall be substituted the word “made”.

(4) In subsections (4) and (5) the words “Subject to subsection (1) above,” shall cease to have effect.

(5) After subsection (6) there shall be added the following subsections—

“(7) It is a defence for a person charged with contravening subsection (1) or (3) above to show that before the disclosure in question was made he had also obtained the information otherwise than in his capacity as a member, officer or servant of the Commission.

(8) In subsections (1), (3), (4) and (7) above “a member, officer or servant of the Commission” includes a former member, officer or servant of the Commission.”.