
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 3

**The Energy Order 2003 (Supply of Information)
Regulations (Northern Ireland) 2008**

Information whose disclosure would be affected by the application of other legislation

5.—(1) The Authority may refuse to supply under Article 24 of the Order any information not falling within regulation 4(1) which—

- (a) was disclosed to the Authority in circumstances in which that disclosure would have been prohibited by or under a statutory provision imposing general restrictions on the disclosure of information but for an exemption from those restrictions naming the Authority as a person to whom information may be disclosed whether generally or for specified purposes or in specified circumstances; or
- (b) was obtained by the Authority in the exercise of functions which it may exercise concurrently with the [^{F1}Competition and Markets Authority] under Part IV of the Enterprise Act 2002(1) or under Part I of the Competition Act 1998(2).

(2) The Authority or a licence holder may refuse to supply under Article 24, and the Council may refuse to supply under Article 26, of the Order any information—

- (a) whose disclosure would be prohibited by or under any statutory provision other than the Electricity (Northern Ireland) Order 1992, the Gas (Northern Ireland) Order 1996 or the Order; or
- (b) whose disclosure is incompatible with any Community obligation.

(3) Subject to paragraph (4), the Authority or a licence holder may refuse to supply under Article 24, and the Council may refuse to supply under Article 26, of the Order any information which constitutes personal data ^{F2}... and [^{F3}if the condition in paragraph (3A) or (3B) is satisfied].

[^{F4}(3A) The condition in this paragraph is that the disclosure of the information to a member of the public—

- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The condition in this paragraph is that the disclosure of the information to a member of the public would contravene—

- (a) Article 21 of the [^{F5}UK GDPR] (general processing: right to object to processing), or
- (b) section 99 of the Data Protection Act 2018 (intelligence services processing: right to object to processing).]

(4) A licence holder may not, by virtue of paragraph (3) refuse to supply information which relates to a person who has made a complaint to which Article 22 of the Order applies and which is being investigated by the Council.

(1) 2002 c.40; see also Article 46 of S.I. 1992/231 (N.I. 1) and Article 23 of S.I. 1996/275 (N.I. 2)

(2) 1998 c.41; see also Article 46 of S.I. 1992/231 (N.I. 1) and Article 23 of S.I. 1996/275 (N.I. 2)

[^{F6}(5) In this regulation—

“the data protection principles” means the principles set out in—

- (a) Article 5(1) of the [^{F7}UK GDPR],
- (b) section 34(1) of the Data Protection Act 2018, and
- (c) section 85(1) of that Act;

^{F8}
...

“personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act).

[^{F9}“the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);]]

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| F1 | Words in reg. 5(1)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) (No. 2) Order 2014 (S.I. 2014/549) , art. 1(1), Sch. 1 para. 54 (with art. 3) |
| F2 | Words in reg. 5(3) omitted (25.5.2018) by virtue of Data Protection Act 2018 (c. 12) , s. 212(1), Sch. 19 para. 338(2)(a) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) |
| F3 | Words in reg. 5(3) substituted (25.5.2018) by Data Protection Act 2018 (c. 12) , s. 212(1), Sch. 19 para. 338(2)(b) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) |
| F4 | Reg. 5(3A)(3B) inserted (25.5.2018) by Data Protection Act 2018 (c. 12) , s. 212(1), Sch. 19 para. 338(3) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) |
| F5 | Words in reg. 5(3B)(a) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419) , reg. 1(2) , Sch. 3 para. 76(2) (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1) |
| F6 | Reg. 5(5) inserted (25.5.2018) by Data Protection Act 2018 (c. 12) , s. 212(1), Sch. 19 para. 338(4) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) |
| F7 | Words in reg. 5(5) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419) , reg. 1(2) , Sch. 3 para. 76(3)(a) (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1) |
| F8 | Words in reg. 5(5) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419) , reg. 1(2) , Sch. 3 para. 76(3)(b) (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1) |
| F9 | Words in reg. 5(5) inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419) , reg. 1(2) , Sch. 3 para. 76(3)(c) (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1) |

Commencement Information

- I1** [Reg. 5](#) in operation at 15.2.2008, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008, Section 5.