



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART I

#### ADMINISTRATION

##### *Disclosure of information*

#### **23 Disclosure of information.**

- (1) Subject to [F1subsections (4) and (4A)]below, no information which relates to a particular person and has been furnished to the CAA in pursuance of any provision of this Act to which this section applies or of an Air Navigation Order shall be disclosed by the CAA, or a member or employee of the CAA unless—
- (a) the person aforesaid has consented in writing to disclosure of the information; or
  - (b) the CAA, after affording that person an opportunity to make representations about the information and considering any representation then made by that person about it, determines that the information may be disclosed; or
  - (c) that person is an individual who is dead, or is a body corporate that has ceased to exist or, whether an individual or a body corporate, cannot be found after all reasonable inquiries have been made, and the CAA determines that the information may be disclosed; or
  - (d) the CAA determines that the information is of the same kind as other information as respects which it has made a determination in pursuance of paragraph (b) or (c) above.
- (2) Subsection (1) above shall apply in relation to the disclosure by an officer of the Secretary of State of information furnished to the Secretary of State in pursuance of any provision of this Act to which this section applies or of an Air Navigation Order as it applies in relation to disclosure by the CAA or a member or employee of the CAA of information so furnished to the CAA, but with the substitution for references to the CAA in paragraphs (b) to (d) of references to the Secretary of State.

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(3) For the purposes of subsection (1) above, all reasonable inquiries to find a body corporate shall be deemed to have been made if—

- [<sup>F2</sup>(a) in the case of a company registered under the Companies Act 2006, inquiries have been made at its registered office;
- (b) in the case of a company incorporated outside the United Kingdom that has registered particulars under section 1046 of the Companies Act 2006, inquiries have been made at every address (including every address of an establishment) so registered in respect of the company.]

(4) Nothing in subsection (1) above prohibits the disclosure of any information—

- (a) by the CAA or a member or employee of the CAA to the Secretary of State or an officer of his or, with the consent of the Secretary of State, to an international organisation of which the United Kingdom is a member;
- (b) by an officer of the Secretary of State to the CAA or a member or employee of the CAA or to such an organisation or, in accordance with directions given by the Secretary of State—
  - (i) to an officer of any government department; or
  - (ii) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of any country or territory outside the United Kingdom; or
  - (iii) in connection with the discharge of any obligation of the United Kingdom under international arrangements;
- [<sup>F3</sup>(ba) by the CAA or a member or employee of the CAA —
  - (i) to, or to a member of, the Office for Nuclear Regulation, or
  - (ii) to a member of staff of the Office for Nuclear Regulation (within the meaning of Part 3 of the Energy Act 2013);]
  - (c) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 7(2) above;
  - (d) in pursuance of section 67(2) or (4) below;
  - (e) <sup>F4</sup> .....
  - (f) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings arising out of any enactment relating to civil aviation or for the purposes of any investigation undertaken in pursuance of regulations made by virtue of section 75 below.

[<sup>F5</sup>(4A) Nothing in subsection (1) above prohibits the disclosure of medical information provided to the CAA in accordance with an Air Navigation Order if—

- (a) the disclosure is for the purposes of medical research approved by a research ethics committee,
- (b) the CAA considers that the research is likely to improve understanding of risks to the health of the types of individual who are required by an Air Navigation Order to provide medical information to the CAA ,
- (c) the CAA considers that it would be difficult or expensive to take the steps necessary to enable all of the information to be disclosed in reliance on subsection (1), and
- (d) the information disclosed is anonymised.

(4B) For the purposes of subsection (4A)(d), information is anonymised if no individual can be identified—

- (a) from that information, or

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- (b) from that information and any other information which the CAA has reasonable grounds for believing is likely to be in the possession of the person to whom it is disclosed or is likely to come into that person's possession. ]
- (5) If the CAA or a member or employee of the CAA or an officer of the Secretary of State discloses any information in contravention of subsection (1) above, it or he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine or, except in the case of the CAA, to imprisonment for a term not exceeding two years or to both.
- (6) This section applies to the following provisions of this Act, that is to say, sections 16, 17, [<sup>F6</sup>and 28], <sup>F7</sup>... sections 64 to 72 (except section 69), sections 78 to 80 and [<sup>F8</sup>section 84] .
- [<sup>F9</sup>(7) In this section “ research ethics committee ” means a committee which is—
- (a) established to advise on the ethics of research investigations in human beings, and
- (b) recognised for that purpose by the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland or by a body comprising two or more of those persons.]

#### Textual Amendments

- F1** Words in s. 23(1) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(2)**, 110(3)(e) (with [Sch. 10 paras. 12, 17](#))
- F2** S. 23(3)(a)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 51(2)** (with art. 10)
- F3** S. 23(4)(ba) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 58**; S.I. 2014/251, art. 4
- F4** S. 23(4)(e) repealed (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(3)(a)**
- F5** S. 23(4A)(4B) inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(3)**, 110(3)(e) (with [Sch. 10 paras. 12, 17](#))
- F6** Words substituted by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 8(1)**
- F7** Words in s. 23(6) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), **reg. 1(1)**, **Sch. 2 para. 1(3)**
- F8** Words in s. 23(6) substituted (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(3)(b)** (with savings in [reg. 2\(7\)](#))
- F9** S. 23(7) inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(4)**, 110(3)(e) (with [Sch. 10 paras. 12, 17](#))

#### Modifications etc. (not altering text)

- C1** S. 23(1) modified (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(7)**

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