



Telecommunications Act 1984

1984 CHAPTER 12

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

101 General restrictions on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of the provisions of this Act [^{F1}(except Part 6)]; and
 - (b) relates to the private affairs of any individual or to any particular business,
- shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions assigned [^{F2}or transferred] to the Secretary of State [^{F3}or OFCOM by or under this Act (except functions assigned by or under Part 6)];
 - (b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, [^{F4}the Office of Fair Trading][^{F5}, the Commission][^{F6}; the Director General of Water Services][^{F7}the Director General of Electricity Supply][^{F8}the Director General of Electricity Supply for Northern Ireland][^{F9}or the Director General of Gas for Northern Ireland][^{F10}the Rail Regulator][^{F11}, the Civil Aviation Authority] or a local weights and measures authority in Great Britain under any of the enactments [^{F12}or subordinate legislation] specified in subsection (3) below;
- [^{F13}(bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;]

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 101. (See end of Document for details)

- (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
 - (d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments [^{F12}or subordinate legislation] specified in subsection (3) below; or
 - (e) in pursuance of a Community obligation.
- (3) The enactments [^{F14}and subordinate legislation] referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
 - (b) the 1973 Act;
 - (c) the Consumer Credit Act 1974;
 - ^{F15}(d)
 - ^{F15}(e)
 - (f) the Estate Agents Act 1979; ^{F16}
 - (g) the 1980 Act.
 - ^{F17}(h) the Consumer Protection Act 1987.]
 - ^{F18}(i) the Consumer Protection (Northern Ireland) Order 1987.]
 - ^{F19}(i) the Control of Misleading Advertisements Regulations 1988]
 - ^{F20}(j) the Water Act 1989.]
 - ^{F21}(k) the Electricity Act 1989.]
 - ^{F22}(l) the Electricity (Northern Ireland) Order 1992.]
- ^{F23}(11) The Gas (Northern Ireland) Order 1996;]
- ^{F24}^{F25}(m) the Railways Act 1993]
 - ^{F24}(n) the Competition Act 1998]
 - ^{F26}(o) Part I of the Transport Act 2000.]
 - ^{F27}(p) the Enterprise Act 2002]
 - ^{F28}(q) the Communications Act 2003 (excluding the provisions of that Act which are enactments relating to the management of the radio spectrum within the meaning of that Act).]
- (4) [^{F29}Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section [^{F30}27C or] 48 above or may be included in, or made public as part of, a report of the Director or of the Commission under this Act; or
 - (b) as applying to any information which has been so published or has been made public as part of such a report.]
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- ^{F31}(6) Information obtained by the Director in the exercise of functions which are exercisable concurrently with [^{F32}the Office of Fair Trading] under Part I of the Competition Act 1998 is subject to [^{F33}Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (5) of this section.]

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 101. (See end of Document for details)

Textual Amendments

- F1** Words in s. 101(1)(a) inserted (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F2** Words in s. 101(2)(a) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(a)**, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F3** Words in s. 101(2)(a) substituted (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))
- F4** Words in s. 101(2)(b) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(a); S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)
- F5** Words in s. 101(2)(b) inserted (1.4.1999) by S.I. 1999/506, **art. 18(b)**
- F6** Words inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F7** Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(a), Sch. 17 paras. 33, **35(1)**
- F8** Words in s. 101(2)(b) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(a)**; S.R. 1992/117, **art. 3(1)**
- F9** Words in s. 101(2)(b) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)
- F10** Words in s. 101(2)(b) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 13(1)**; S.I. 1993/3237, **art. 2(2)**.
- F11** Words in s. 101(2)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(a)**
- F12** Words inserted by S.I. 1988/915, **reg. 7(6)(f)(i)** for the purpose mentioned therein
- F13** S. 101(2)(bb) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 3(a)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.
- F14** Words inserted by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein
- F15** S. 101(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 54(3), Sch. 10 Pt. IV para. 9(7)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F16** Words repealed by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 5**
- F17** Paragraph (h) inserted by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 9(1)**
- F18** Paragraph (i) inserted (1.3.1989) after para. (h) by S.I. 1987/2049 (N.I.20), arts. 1(5), 31(5), **Sch. 3 para. 6**
- F19** Words inserted (20.6.1988) by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein
- F20** Paragraph (j) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F21** Paragraph (k) inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(b), Sch. 17 paras. 33, **35(1)**
- F22** S. 101(3)(l) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(b)**; S.R. 1992/117, **art. 3 (1)**
- F23** S. 101(3)(ll) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)
- F24** S. 101(3)(n) inserted (11.1.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(7)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 101. (See end of Document for details)

- F25** S. 101(3)(m) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), 154(2), **Sch. 12 para. 13(2)**; S.I. 1993/3237, **art. 2(2)**.
- F26** S. 101(3)(o) inserted (21.12.2001) by S.I. 2001/4050, **art. 2, Sch. Pt. IV para. 17(b)**
- F27** S. 101(3)(p) inserted (1.4.2003) by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 13(9)(b)}; S.I. 2003/766, **art. 2, Sch.** (with transitional and transitory provisions in **art. 3**)
- F28** S. 101(3)(q) inserted (25.7.2003 for specified purposes, otherwise prosp.) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(5)** (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with **art. 3(2)** (as amended (8.12.2003) by S.I. 2003/3142, **art. 1(3)**))
- F29** S. 101(4) repealed (25.7.2003 for specified purposes, otherwise prosp.) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(6), Sch. 19(1)** (with **Sch. 18, Sch. 19(1) Note 1**); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with **art. 3(2)** (as amended (8.12.2003) by S.I. 2003/3142, **art. 1(3)**))
- F30** Words in s. 101(4)(a) inserted (1.7.1992) by **Competition and Service (Utilities) Act 1992** (c. 43), s. 56(6), **Sch. 1 para. 3** (b); **Competition and Service (Utilities) Act 1992** (Commencement No. 1) Order 1992, **art. 3, Sch. Pt. I**
- F31** S. 101(6) inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(8)** (with s. 73); S.I. 2000/344, **art. 2, Sch.**
- F32** Words in s. 101(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(9)(c)(i)**; S.I. 2003/766, **art. 2, Sch.** (with **art. 3**)
- F33** Words in s. 101(6) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(9)(c)(ii)**; S.I. 2003/1397, **art. 2(1), Sch.** (with **art. 8**)

Modifications etc. (not altering text)

- C1** S. 101 restricted (31.10.2003) by **Railways and Transport Safety Act 2003** (c. 20), **ss. 115, 120(1)**; S.I. 2003/2681, **art. 2(b)**
- C2** S. 101(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 23**

Status:

Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 101.