



# Enterprise Act 2002 (repealed)

## 2002 CHAPTER 40

### PART 9 **U.K.**

#### INFORMATION

##### *Restrictions on disclosure*

#### **Textual Amendments applied to the whole legislation**

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\)](#), [Sch. 11 para. 5](#) [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

#### **237 General restriction **U.K.****

- (1) This section applies to specified information which relates to—
  - (a) the affairs of an individual;
  - (b) any business of an undertaking.
- (2) Such information must not be disclosed—
  - (a) during the lifetime of the individual, or
  - (b) while the undertaking continues in existence,unless the disclosure is permitted under this Part.
- (3) But subsection (2) does not prevent the disclosure of any information if the information has on an earlier occasion been disclosed to the public in circumstances which do not contravene—
  - (a) that subsection;
  - (b) any other enactment or rule of law prohibiting or restricting the disclosure of the information.

*Status: Point in time view as at 22/04/2011.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Enterprise Act 2002 (repealed). Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Nothing in this Part authorises a disclosure of information which contravenes the Data Protection Act 1998 (c. 29).
- (5) Nothing in this Part affects the Competition Appeal Tribunal.
- (6) This Part (except section 244) does not affect any power or duty to disclose information which exists apart from this Part.

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

C1 S. 237 restricted (31.10.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 115**, 120; S.I. 2003/2681, **art. 2(b)**

**238 Information U.K.**

- (1) Information is specified information if it comes to a public authority in connection with the exercise of any function it has under or by virtue of—
  - (a) Part 1, 3, 4, 6, 7 or 8;
  - (b) an enactment specified in Schedule 14;
  - (c) such subordinate legislation as the Secretary of State may by order specify for the purposes of this subsection.
- (2) It is immaterial whether information comes to a public authority before or after the passing of this Act.
- (3) Public authority (except in the expression “overseas public authority”) must be construed in accordance with section 6 of the Human Rights Act 1998 (c. 42).
- (4) In subsection (1) the reference to an enactment includes a reference to an enactment contained in—
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation;
  - (c) subordinate legislation.
- (5) The Secretary of State may by order amend Schedule 14.
- (6) The power to make an order under subsection (5) includes power to add, vary or remove a reference to any provision of—
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation.
- (7) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section applies for the purposes of this Part.

**Status:**

Point in time view as at 22/04/2011.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Enterprise Act 2002 (repealed). Any changes that have already been made by the team appear in the content and are referenced with annotations.