



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

General provisions

53 Imposition, modification or revocation of regulatory conditions

Schedule 6 contains general provision about the imposition of regulatory conditions and their modification or revocation.

54 Enforcement of regulatory requirements

Schedule 7 makes provision for the enforcement of regulatory requirements imposed by OFCOM in carrying out their functions in relation to postal services.

55 Information

(1) Schedule 8 makes provision for requiring information to be provided to OFCOM for the purpose of carrying out their functions in relation to postal services or for related purposes.

(2) In that Schedule—

- (a) Part 1 makes provision authorising OFCOM to require information to be provided to them,
- (b) Part 2 makes provision for the enforcement of those requirements, and
- (c) Part 3 contains supplementary provision.

(3) Nothing in Schedule 7 to the Postal Services Act 2000 (disclosure of information) prevents the Postal Services Commission from disclosing information to OFCOM for the purposes of OFCOM's functions in relation to postal services.

Status: This is the original version (as it was originally enacted).

56 General restriction on disclosure of information

- (1) Information that—
- (a) is obtained as a result of this Part, and
 - (b) relates to the affairs of an individual or to a particular business,
- must not be disclosed during the lifetime of the individual or so long as the business is carried on, except as provided by this section.
- (2) Disclosure is permitted—
- (a) with the consent of the individual or the person for the time being carrying on the business,
 - (b) for the purpose of facilitating the carrying out by OFCOM of any of their functions,
 - (c) for the purpose of facilitating the carrying out by the Secretary of State, the Treasury or the Competition Commission of any of their functions under this Act,
 - (d) for the purpose of facilitating the carrying out by a prescribed body or other person of any functions under a prescribed enactment,
 - (e) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings,
 - (f) for the purposes of any civil proceedings brought as a result of this Part or any prescribed enactment,
 - (g) in pursuance of an EU obligation, or
 - (h) in any other prescribed circumstances or for any other prescribed purpose.
- (3) In subsection (2) “prescribed” means prescribed by an order of the Secretary of State.
- (4) An order under subsection (3) is subject to affirmative resolution procedure.
- (5) This section does not apply to information that has been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this section.
- (6) This section also does not apply to information that is subject to the disclosure regime in Part 9 of the Enterprise Act 2002 as a result of—
- (a) section 393(8) of the Communications Act 2003 (information obtained by OFCOM in exercise of competition functions), or
 - (b) section 29(3) of the Consumers, Estate Agents and Redress Act 2007 (information obtained by the National Consumer Council).
- (7) A person who discloses information in contravention of this section commits an offence.
- (8) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.