



Trade (Disclosure of Information) Act 2020

2020 CHAPTER 28

2 Trade functions: disclosure of information by other authorities

- (1) A public authority specified in subsection (3) may disclose information for the purpose of facilitating the exercise by a Minister of the Crown of the Minister's functions relating to trade.
- (2) Those functions include, among other things, functions relating to—
 - (a) the analysis of the flow of traffic, goods and services into and out of the United Kingdom;
 - (b) the analysis of the impact, or likely impact, of measures or practices relating to imports, exports, border security and transport on such flow;
 - (c) the design, implementation and operation of such measures or practices.
- (3) The specified public authorities are—
 - (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;
 - (c) a strategic highways company appointed under section 1 of the Infrastructure Act 2015;
 - (d) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984.
- (4) A person who receives information as a result of this section may only use the information for the purpose of facilitating the exercise by a public authority of the authority's functions relating to trade (which include, among other things, functions of a kind referred to in subsection (2)).
- (5) A person who receives information as a result of this section may further disclose the information, but only with the consent of the public authority that disclosed the information under subsection (1) (which may be general or specific).
- (6) Nothing in this section limits the circumstances in which information may be disclosed under any other enactment or rule of law.

- (7) A disclosure under this section does not breach—
- (a) any obligation of confidence owed by the person disclosing the information, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But nothing in this section authorises the making of a disclosure which would—
- (a) contravene the data protection legislation, or
 - (b) be prohibited by the investigatory powers legislation.

In determining whether a disclosure would do either of those things, the powers conferred by this section are to be taken into account.

- (9) A Minister of the Crown may by regulations made by statutory instrument amend this section for the purpose of specifying a public authority in, or removing a public authority from, subsection (3).
- (10) A statutory instrument containing regulations under subsection (9) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section “public authority” means an authority exercising functions of a public nature.