



2016 CHAPTER 15

Miscellaneous

Prohibition on disclosure of information held by the Labour Relations Agency

23 After Article 90A of the Industrial Relations (Northern Ireland) Order 1992 (fees for exercise of functions by the Labour Relations Agency) insert—

“Prohibition on disclosure of information

90B.—(1) Information held by the Agency shall not be disclosed if the information—

- (a) relates to a worker, an employer of a worker or a trade union (a “relevant person”); and
- (b) is held by the Agency in connection with the provision of a service by the Agency or its officers.

This is subject to paragraph (2).

(2) Paragraph (1) does not prohibit the disclosure of information if—

- (a) the disclosure is made for the purpose of enabling or assisting the Agency to carry out any of its functions;
- (b) the disclosure is made for the purpose of enabling or assisting an officer of the Agency to carry out the functions of a conciliation officer under any statutory provision;
- (c) the disclosure is made for the purpose of enabling or assisting—
 - (i) a person appointed by the Agency under paragraph 9(1) of Schedule 4; or

Changes to legislation: There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Section 23. (See end of Document for details)

- (ii) an arbitrator appointed by the Agency under any statutory provision,
to carry out functions specified in the appointment;
 - (d) the disclosure is made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom);
 - (e) the disclosure is made in order to comply with a court order;
 - (f) the disclosure is made in a manner that ensures that no relevant person to whom the information relates can be identified; or
 - (g) the disclosure is made with the consent of each relevant person to whom the information relates.
- (3) Paragraph (2) does not authorise the making of a disclosure which contravenes the Data Protection Act 1998.
- (4) A person who discloses information in contravention of this Article commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Proceedings for an offence under this Article may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (6) For the purposes of this Article information held by—
- (a) a person appointed by the Agency under paragraph 9(1) of Schedule 4 in connection with functions specified in the appointment; or
 - (b) an arbitrator appointed by the Agency under any statutory provision in connection with functions specified in the appointment,
- is information that is held by the Agency in connection with the provision of a service by the Agency.”.

Commencement Information

II S. 23 in operation at 27.1.2020 by S.R. 2020/1, [art. 2\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Section 23.