
STATUTORY INSTRUMENTS

1998 No. 3162

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART II

FUNCTIONS OF THE EQUALITY COMMISSION

Restriction on disclosure of information

Restriction on disclosure of information

18.—(1) No information in the Commission's possession which discloses, or from which there can be deduced, the religious belief of any identifiable individual shall, without the written consent of that individual, be disclosed by a person who is, or has been, a member or officer of the Commission to a person who is not associated with the Commission, except so far as such disclosure—

(a) is necessary or expedient for the proper discharge of the functions of the Commission or is necessary to comply with any obligation imposed by or under any statutory provision (including this Order); or

(b) is made for the purpose of, or in connection with—

(i) any actual or prospective proceedings before the Tribunal or an industrial tribunal; or

(ii) any actual or prospective civil or criminal proceedings before a court.

(2) For the purposes of paragraph (1) a person is associated with the Commission if—

(a) he is a member or officer of the Commission; or

(b) his services have been made available to the Commission for the purpose of the exercise of any of its functions.

(3) Paragraph (4) applies to any information supplied to the Commission—

(a) in the course of an investigation under Article 11 or 71; or

(b) in pursuance of a requirement under Article 67.

(4) No information to which this paragraph applies shall be disclosed by a person who is, or has been, a member or officer of the Commission to a person who is not a member or officer of the Commission, except so far as such disclosure—

(a) is relevant for the purposes of Article 8(1) or 71(4) of this Order or paragraph 5 of Schedule 8 to the Northern Ireland Act 1998 and is not prohibited by paragraph (1);

(b) is made as mentioned in paragraph (1)(b); or

(c) is permitted by paragraph (5) or required by paragraph (6).

(5) Where it is necessary or expedient to do so for the proper discharge of the functions of the Commission, a member or officer of the Commission may—

- (a) disclose to an employer any information in the Commission's possession which relates to his employees or to other persons who have applied for employment by him;
 - (b) disclose to a principal (within the meaning of Article 20) any information in the Commission's possession which relates to contract workers whose services are or have been available to him;
 - (c) disclose to any person who is empowered by virtue of any statutory provision to select or nominate another person for employment by a third person any information in the Commission's possession which relates to a person who has applied for the employment in question;
 - (d) disclose to an employment agency any information in the Commission's possession which relates to a person who has applied for or obtained the services of the agency;
 - (e) disclose to a vocational organisation any information in the Commission's possession which relates to members of that organisation;
 - (f) disclose to a person who provides services in connection with the training of persons for employment in any capacity, or for a particular employment or occupation, any information in the Commission's possession which relates to a person who has sought, or on whose behalf it has been sought, to obtain those services, or who has obtained those services; or
 - (g) disclose to a person who has power to confer a qualification such as is mentioned in Article 25 any information in the Commission's possession which relates to a person who has applied to have, or has had, that qualification conferred on him.
- (6) The Commission shall supply to the Department any information in the Commission's possession, the supply of which is, in the opinion of the Department, necessary for the proper discharge of the Department's functions.
- (7) Any person who discloses any information in contravention of any provision of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) It is a defence for a person charged with contravening paragraph (1) or (4) to show that before the disclosure in question was made he had also obtained the information otherwise than in his capacity as a member or officer of the Commission.