



Financial Services (Banking Reform) Act 2013

2013 CHAPTER 33

PART 5

REGULATION OF PAYMENT SYSTEMS

Disclosure of information

91 Restrictions on disclosure of confidential information

- (1) Confidential information must not be disclosed by a primary recipient, or by any person obtaining the information directly or indirectly from a primary recipient, without the consent of—
 - (a) the person from whom the primary recipient obtained the information, and
 - (b) if different, the person to whom it relates.
- (2) In this section “confidential information” means information which—
 - (a) relates to the business or other affairs of any person,
 - (b) was received by the primary recipient for the purposes of, or in the discharge of, any functions of the Payment Systems Regulator under this Part, and
 - (c) is not prevented from being confidential information by subsection (4).
- (3) It is immaterial for the purposes of subsection (2) whether or not the information was received—
 - (a) as a result of a requirement to provide it imposed by or under any enactment;
 - (b) for other purposes as well as purposes mentioned in that subsection.
- (4) Information is not confidential information if—
 - (a) it has been made available to the public by virtue of being disclosed in any circumstances in which, or for any purposes for which, disclosure is not precluded by this section, or

Status: This is the original version (as it was originally enacted).

- (b) it is in the form of a summary or a collection of information that is framed in such a way that it is not possible to ascertain from it information relating to any particular person.
- (5) Each of the following is a primary recipient for the purposes of this section—
- (a) the Payment Systems Regulator;
 - (b) the FCA;
 - (c) a person who is or has been employed by the Payment Systems Regulator or the FCA;
 - (d) a person who is or has been engaged to provide services to the Payment Systems Regulator or the FCA;
 - (e) any auditor or expert instructed by the Payment Systems Regulator or the FCA;
 - (f) a person appointed to make a report under section 82;
 - (g) a person appointed under section 83.
- (6) Nothing in this section applies to information received by a primary recipient for the purposes of, or in the discharge of, any functions of the Payment Systems Regulator under the Competition Act 1998 or the Enterprise Act 2002 by virtue of section 59 or 61.

(For provision about the disclosure of such information, see Part 9 of the Enterprise Act 2002.)