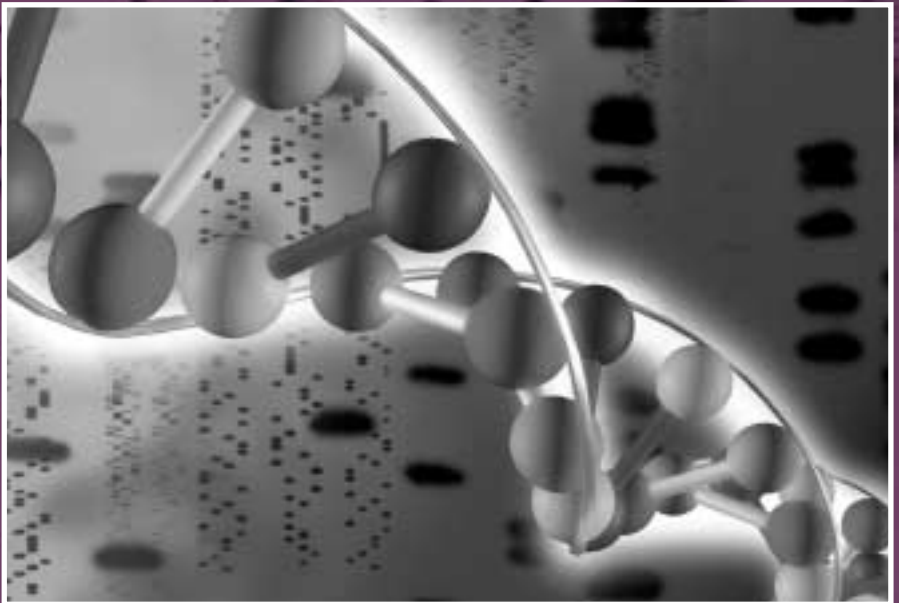


Contained use of genetically modified organisms



Excluding information from the
Public Register

What is the Public Register and what does it contain?

Under the Genetically Modified Organisms (Contained Use) Regulations 2000 (GMO(CU)), there is a requirement for the Competent Authority to maintain a register of information about all notifications concerning contained use relating to:*

- *first use of premises;*
- *class 2 activities involving genetically modified micro-organisms (GMMs);*
- *class 3 or 4 activities involving GMMs; and*
- *activities involving some genetically modified animals and plants.*

* *The Competent Authority comprises: in England and Wales, the Secretary of State (Department for the Environment, Food and Rural Affairs) and the Health and Safety Executive (HSE); in Scotland, the Scottish Ministers and HSE. HSE holds the Register on behalf of all the members of the Competent Authority.*

What is this leaflet about?

The Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002 (the Amending Regulations) amend GMO(CU). This leaflet tells you about the Amending Regulations which enable, in the interests of national security, information to be excluded from the Register maintained under regulation 24 of GMO(CU). The Amending Regulations:

- require to be kept confidential, under a new regulation (23A), information which the Secretary of State determines should not be disclosed in the interests of national security;
- allow the Secretary of State under a new regulation (24A) to authorise the exclusion from the Register of any information, or description of information, which would be contrary to the interests of national security;
- empower the Secretary of State to require the Competent Authority to submit descriptions of information to him for his determination as to whether they should be included in the Register;
- under new regulation 24A enable any person to write to the Secretary of State specifying information which they consider should be excluded from the Register on grounds of national security. In these cases the information will not be included in the Register unless the Secretary of State decides that it should be included.

Why is information being excluded from the Register?

The information is being excluded in the interests of national security. The decision to withhold information has been taken in the light of events on and subsequent to the 11 September 2001 terrorist attacks in the USA.

Who decides what should be excluded from the Register?

The Secretary of State (SoS) makes the decision and issues Directions on what information should be excluded from the Register. Before making a decision, the SoS takes advice from independent experts. Before the first Direction was issued under the Amending Regulations on 9 February 2002, the Technical Sub-Committee of the Advisory Committee on Genetic Modification were consulted. Before making further Directions, similar independent advice will be sought.

What information is being excluded from the Register?

In the Genetically Modified Organisms (Contained Use) (Exclusion of Information

from the Public Register) (No 1) Direction 2002, the Secretary of State authorised the exclusion from the Register of all information concerning the location of and activities relating to those pathogens and toxins listed in Schedule 5 to the Anti-terrorism, Crime and Security Act 2001.

The Register does contain a list of all the pathogens and toxins being worked on in Great Britain under GMO(CU). But information concerning their location and activities has been excluded.

For how long will information be excluded from the Register?

The excluded information will be subject to annual review, with the aim of keeping to a minimum information which has to be excluded in the interests of national security.

How will I know if information about my work has been excluded from the Register?

If information about your work has been excluded from the Register, you will be notified by HSE's GM Permissioning and

Quality Section which maintains the Register on behalf of all the members of the Competent Authority.

Will the exclusion of information from the Register delay the notification process?

No.

Will I still be able to see other information on the Register?

Yes. Copies of the Register (without the excluded information) are available for inspection at HSE's offices at the following addresses:

Rose Court, 2 Southwark Bridge,
London SE1 9HS Tel: 020 7717 6348

Magdalen House, Stanley Precinct,
Bootle L20 3QZ Tel: 0151 951 4772

Also, each main office of HSE holds those entries in the Register for premises and activities notified in its area. If you do not know where your nearest office is, look up 'Health and Safety Executive' in the telephone directory for your area or telephone HSE's InfoLine on 08701 545500 who will direct you to your nearest main office.

That part of the Register covering premises and activities in Scotland is also held at:

Belford House, 59 Belford Road,
Edinburgh EH4 3UE Tel: 0131 247 2000

Do I have to make an appointment when accessing the Register?

No, although you are advised to do so. Access to the Register is from 9.00-5.00, Monday to Friday. At present the Register is held in hard copy. Future plans are to create an electronic Register with a view to making access available via the Internet.

What effect will the provisions of the Amending Regulations have on sharing research results, etc with others?

In the aftermath of September 11, the Government took the lead, with its Anti-terrorism, Crime and Security Act 2001, in increasing public security. In the same way, the purpose of the Amending Regulations 2002 is to make information which is potentially useful to a terrorist, more difficult to access from government sources.

It is not intended that the provisions of the Amending Regulations should hinder academic research or commercial enterprise. Nevertheless, it is expected that those involved with GM materials in contained use will now follow the Government's lead and reassess how and to whom they make available information which could be useful to a terrorist. Further, where the Secretary of State requires information submitted by notifiers concerning activities and accidents involving genetically modified micro-organisms to be kept confidential in accordance with new regulation 23A, that information must be kept confidential for as long as the Secretary of State considers that the disclosure of such information may be harmful to the interests of national security.

What should I do if I think information should be excluded from the Register?

If you think that information is contained in the Register which would be prejudicial to the interests of national security you should write to:

The Secretary of State for Transport,
Local Government and the Regions,
Eland House, Bressenden Place,
London SW1E 5DU

At the same time you must notify the Competent Authority in writing that you have written to the Secretary of State. The address of the Competent Authority for this purpose is:

Health and Safety Executive,
Biotechnology Policy Unit, Rose Court,
2 Southwark Bridge, London SE1 9HS

Are additional security measures required as well?

They may be. Part 7 of the Anti-terrorism, Crime and Security Act 2001 may require increased security measures at centres where genetically modified organisms activities take place. Occupiers of premises in which a specified pathogen or toxin is kept or used must notify the Secretary of State initially within a month of the implementation of Part 7 of the Act or before such a pathogen or toxin is kept or used. The premises must be a discrete area which is secure or capable of being made secure. Police have powers to inspect such premises and to give directions as to their security. Follow-up checks will be made when the work has been done. If the security measures are not taken the Home Office is notified and the power to require the occupier to dispose of the substance(s) could be exercised. Failure to comply is a criminal offence. The Police have power to seize and retain dangerous substances, but this would only be done with extreme

caution and with professional advice from HSE. For further information on this, contact the Organised Crime, Drugs and International Group at the Home Office (Tel: 020 7273 2457).

Does the withholding of information affect other controls on GM material?

No. All existing controls still apply. Inspections continue as normal.

What further information is available?

The full text of the *Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002* (SI 2002/63 The Stationery Office 2002 ISBN 0 11 039273 6) is available from The Stationery Office (formerly HMSO). Their publications are available from The Publications Centre, PO Box 276, London SW8 5DT Tel: 0870 600 5522 Fax: 0870 600 5533 Website: www.clicktso.com (they are also available from bookshops).

The full text of the *Genetically Modified Organisms (Contained Use) Regulations 2000* is contained in *A guide to the Genetically Modified Organisms (Contained Use) Regulations 2000* (L29 (Third edition) HSE Books 2000, ISBN 0 7176 1758 0)

which also provides a fuller explanation of the Regulations' requirements in non-legal language.

HSE has also produced a short leaflet on the 2000 Regulations *Contained use of genetically modified organisms* (INDG86(rev2) HSE Books 2000, single copy free or priced packs of 15 ISBN 0 7176 1771 8). Copies of the guide and the leaflet can be purchased by completing and sending off the order form at the end of this leaflet. You can also place orders by telephoning HSE Books (see back cover for details).

The Health and Safety Executive and the Advisory Committee on Genetic Modification have produced a Compendium of Guidance for people carrying out contained use activities. This offers detailed technical advice on risk assessment and control for different sorts of activity. For details of how to obtain a copy of the Compendium, please contact the Secretariat of the Advisory Committee on 020 7717 6348.

Where can I find out about other aspects of genetic modification and security measures?

Other Government Departments also have responsibilities for genetic modification activities and security.

The Department for Environment, Food and Rural Affairs (DEFRA) is responsible for the control of environmental risks caused by contained use of GM animals or plants. With other members of the Competent Authority it also operates the Genetically Modified Organisms (Deliberate Release) Regulations which govern experimental release and marketing of GMOs. DEFRA and the devolved administrations are also responsible for the agricultural implications of GMOs (eg plant variety and seeds legislation, plant and animal health aspects, pesticide controls and general impact on agriculture).

The Department for Environment, Food and Rural Affairs,
GM Policy and Regulatory Unit,
Ashdown House, 123 Victoria Street,
London SW1E 6DE Tel: 020 7944 2660
Fax: 020 7944 2669

Plant, Health and Biotechnology Branch,
Countryside Division,
Welsh Assembly Government,
Cathays Park, Cardiff CF10 3NQ
Tel: 029 2082 5942
Fax: 029 2080 1353

GM Co-ordination Team,
Scottish Executive, Area 1-H76,
Victoria Quay, Edinburgh EH6 6QQ
Tel: 0131 244 7576
Fax: 0131 244 4071

The Home Office (HO) regulates the use of protected animals (ie all vertebrates

and *Octopus vulgaris*, including those that have been genetically modified) for experimental or other scientific purposes. The relevant legislation is the Animals (Scientific Procedures) Act 1986. HO is also responsible for implementing the Anti-terrorism, Crime and Security Act 2001.

Home Office,
Animals By-Laws and Coroners Unit,
50 Queen Anne's Gate,
London SW1 9AT Tel: 020 7273 2861
Fax: 020 7273 2423

Organised Crime, Drugs and
International Group,
Home Office, West Wing,
50 Queen Anne's Gate,
London SW1H 9AT
Tel: 020 7273 2457

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995 Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops.)

For information about health and safety ring HSE's InfoLine Tel: 08701 545500 Fax: 02920 859260 e-mail: hseinformationservices@natbrit.com or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG. You can also visit HSE's website: www.hse.gov.uk

1. Name of the institution:

2. Name of the person:

3. Address:

4. City:

5. State:

6. Zip:

7. Telephone:

8. Name of the person:

9. Address:

10. City:

11. State:

12. Zip:

13. Telephone:

14. Name of the person:

15. Name of the person:

16. Name of the person:

This leaflet is available in priced packs of 10 from HSE Books, ISBN 0 7176 2380 7. Single free copies are also available from HSE Books.

This publication may be freely reproduced, except for advertising, endorsement or commercial purposes. The information is current at 6/02. Please acknowledge the source as HSE.

Printed and published by
the Health and Safety Executive
INDG357 06/02 C100