

Bringing Section 28 of the Health and safety at Work etc Act 1974 in line with the Freedom of Information Act 2000, and removing other unnecessary barriers to openness in health and safety legislation

What the proposed amendment will do

(this is for illustrative purposes only)

- 1 Subject to the exceptions below, it is intended that there should not be a statutory restriction on the disclosure by HSC, HSE or its inspectors of any information to any person for the purposes of keeping that person informed about matters relating to health and safety.
- 2 This should apply to other enforcing authorities and their inspectors, at least insofar as the information concerned is held by the authority or inspector in connection with their functions under the 1974 Act.
- 3 We still want to be subject to any restrictions on the disclosure of information which apply by virtue of:-
 - (a) any statutory provision not forming part of the relevant statutory provisions (eg, the Data Protection Act 1998, the Official Secrets Acts 1911-1989, the Human Rights Act 1998);
 - (b) any relevant statutory provision implementing a Community obligation; and
 - (c) any rule relating to contempt of court.
- 4 It is intended that the following restrictions on the disclosure of information should also be removed:
 - section 154 of the Factories Act 1961 (c34);
 - section 59 of the Offices, Shops and Railway Premises Act 1963 (c41);
 - Offshore Installations (Inspectors and Casualties) Regs 1973, regs 6 and 7(4).