1991 No. 324

FAIR EMPLOYMENT

Fair Employment (Monitoring) (Amendment) Regulations (Northern Ireland) 1991

Made . . . . . *24th July 1991*

Coming into operation . . *25th August 1991*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of Economic Development, in exercise of the powers conferred on it by sections 27(10), 28(**a**), 29(**a**) and 47(5)(**b**) of the Fair Employment (Northern Ireland) Act 1989(**c**), and of every other power enabling it in that behalf, after consultation with the Fair Employment Commission for Northern Ireland, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Fair Employment (Monitoring) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 25th August 1991.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations "the 1989 Regulations" means the Fair Employment (Monitoring) Regulations (Northern Ireland) 1989(**e**).

Confidentiality of monitoring information

3.—(1) In the 1989 Regulations at the beginning of Part III there shall be inserted the following regulation—

"*Confidentiality of monitoring information*

14A.—(1) This regulation applies to—

(**a**) Sections 28 and 29 were amended by Article 3 of the Fair Employment (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/1713 (N.I. 18))

(**b**) *See* the definition of "the Department" as read with section 57(1) of the Fair Employment (Northern Ireland) Act 1976 (c. 25); the Department of Manpower Services was renamed the Department of Economic Development by S.I. 1982/846 (N.I. 11) Article 3

(**c**) 1989 c. 32

(**d**) 1954 c. 33 (N.I.)

(**e**) S.R. 1989 No. 436

(*a*) information about a person employed in a registered concern which is obtained in response to a question asked—

(i) in pursuance of paragraph 1(*b*) of Part I of Schedule 2; or

(ii) in pursuance of paragraph 1(*b*) of Part II of Schedule 2; or

(iii) in pursuance of paragraph 2 of Part III of Schedule 2; or

(iv) otherwise than as mentioned in heads (i) to (iii), if the information has been used by the employer in applying any of the principal methods to make a determination in respect of that person;

(*b*) information about a person applying for employment in a registered concern which is obtained in response to a question asked in pursuance of—

(i) paragraph 1(1) of Part I of Schedule 3; or

(ii) paragraph 1(1) of Part II of Schedule 3; or

(iii) paragraph 1(1) of Part III of Schedule 3;

(*c*) information as to the determination by an employer of the community to which a person employed or applying for employment in a registered concern is to be treated as belonging for the purposes of monitoring; and

(*d*) information obtained in pursuance of regulation 16(1)(*b*).

(2) Any person who discloses any information which—

(*a*) he holds or has held in his capacity as an employee in a concern or as the employer; and

(*b*) is information to which this regulation applies or has applied, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

(3) Nothing in this regulation applies to the disclosure of information—

(*a*) to the Commission, the Labour Relations Agency or the Equal Opportunities Commission for Northern Ireland; or

(*b*) to any person—

(i) who is employed in the concern; or

(ii) whose services have been made available for the purposes of the concern; or

(iii) who is an official of a trade union, members of which are employed in the concern,

if the nature of his duties renders it reasonable for the disclosure to be made to him; or

(*c*) 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; or