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By email

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**Product Regulation and Metrology Bill – Restrictions around sharing of information and defining relevant authorities and emergency service.**

During the fourth day of committee for the Product Regulation and Metrology Bill (**the Bill**) on the 11 December, you raised a number of important points on the sharing of information, and I welcome your continued engagement and interest the Bill.

Definition of emergency services and the inclusion of an additional list of bodies to the list in Clause 7(2).

Thank you for speaking to amendment 106 on behalf of Lord Fox and illustrating the varied nature of health agencies and organisations that are able to capture product related data on harms, injuries and accidents. There is no questioning the importance of regular data collection and sharing. Effective data sharing practices and coordinated action help to identify patterns and trends that can be analysed to enhance consumer protection. Statutory duties are necessary to underpin that process.

It is the Government's view that setting out a detailed list of relevant authorities on the face of the Bill may restrict which authority or emergency service can access the data sharing powers they need to capture and share key product safety and harms data. We have previously written in detail to Lord Lansley on the issue of relevant authorities and will share a copy of that with you to address your concerns.

Restriction in Part 9 of the Enterprise Act 2002 on the disclosure of data under the Bill

Turning to the points you raised in relation to amendment 108, proposed by yourself. I note your intervention suggested that "Part 9 of the Enterprise Act 2002 can be used to restrict the disclosure of vital safety information by a public body in the exercise of its statutory function, unless the information has previously been made public."

My understanding of the point you raised is that you refer to a general restriction on disclosure of information in section 237 of the Enterprise Act 2002, which applies to only to

**“specified information”** relating to (a) the affairs of an individual and (b) any business of an undertaking (section 237(1)).

My understanding is that most, if not all, information received by relevant authorities would not be “specified information” received by a public authority exercising statutory functions under part 1, 3, 4, 6, 7, 8 of the Enterprise Act 2002, an enactment specified in schedule 14 of the Enterprise Act 2002 or any subordinate legislation made under the Enterprise Act 2002.

However, even if information received by relevant authorities is “specified information”, we note that section 237(6) provides that part 9 of the Enterprise Act 2002 does not affect any power to disclose information which exists apart from Part 9 of the Enterprise Act 2002. Therefore, the power to share under the Bill is not restricted by part 9 of the Enterprise Act 2002. If section 237(6) is subject to considerations in section 244, we do not anticipate that these considerations will be impediments to sharing information under this Bill. Information shared under the Bill will be in the public interest and will not harm legitimate business or individual interests.

Since this is an important and technical legal query that you have raised, we will consider this further.

I hope my letter has provided additional clarity and reassurance regarding the important issues that were raised in the debate. I am copying this letter to all Noble Lords who spoke in the debate. I am also depositing a copy of this letter in the Library of the House.

A handwritten signature in black ink, consisting of a large loop at the top and a long, sweeping tail that extends to the right.

**Lord Leong CBE**  
**Lord in Waiting (Government Whip)**