

**Power to Obtain Information from Employers (Section 28)**

- (1) The Department may, where an industrial training board has been established, require employers in the industry to furnish such returns and other information and to keep such records and produce them for examination on the Department's behalf as appear to the Department to be necessary for the purposes of this Order.
- (2) An industrial training board may require employers in the industry to furnish such returns and other information of a kind approved by the Department and to keep such records of a kind approved by the Department and produce them for examination on behalf of the board as appear to the board to be necessary for carrying out its functions.
- (3) The Authority may, where an industrial training board has been established, require employers in the industry to furnish such returns and other information of a kind approved by the Department and to keep such records of a kind approved by the Department and produce them for examination on behalf of the Authority as appear to the Authority to be necessary for carrying out its functions.
- (4) Without prejudice to paragraph (1), the Department may direct an industrial training board to exercise the power to require the furnishing of information under paragraph (2) so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Department considers that it needs for the purposes of its functions and as is so specified; and it shall be the duty of the board to comply with any such direction.
- (5) Subject to paragraph (6), returns and other information furnished in pursuance of paragraphs (1) to (4) and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to-
  - (a) the Department or an officer of the Department; or
  - (b) an industrial training board or a committee appointed by such a board, any officer of such a board or committee, or any member or other person entitled to take part in the proceedings of such a board or committee; or
  - (c) the Authority, any officer of the Authority, or any member or other person entitled to take part in the proceedings of the Authority.
- (6) Paragraph (5) shall not apply-
  - (a) to the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any individual business to be ascertained from it;
  - (b) to any disclosure of information made for the purposes of any legal proceedings pursuant to this Order or any criminal proceedings, whether pursuant to this Order or not, or for the purposes of any report of any such proceedings.
- (7) A certificate purporting to be issued by the Department and stating that the Department has approved any kind of information, return or record for the purposes of paragraph (2) or (3) shall in any legal proceedings be evidence of the facts stated in the certificate.
- (8) If any person fails to comply with any requirement made under paragraph (1), (2) or (3) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) If any person-
  - (a) knowingly or recklessly furnishes, in pursuance of any requirement made under paragraph (1), (2) or (3), any return or other information which is false in a material particular; or
  - (b) wilfully makes a false entry in any record required to be produced under paragraph (1), (2) or (3) or, with intent to deceive, makes use of any such entry which he knows to be false; or
  - (c) discloses any such information in contravention of paragraph (5), he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.