

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13: Confidentiality of information

48. This section states that neither the Commission, nor any agent of the Commission, past or present, shall disclose any information obtained in the course of the Commission's activities unless such a disclosure is authorised by subsection (3).
49. Subsection (3)(a) authorises disclosure of information provided that it is made with the consent of the person who provided it. Subsections (3)(b) and (c) further allow disclosure of information if the Commission deems it necessary for the furtherance of his or her functions or if it is made for the purposes of civil or criminal legal proceedings.
50. Subsection (2) identifies information that is subject to these rules. Information which has been obtained by or on behalf of the Commission for the purposes of an inquiry should not be disclosed unless at least one of the conditions described above are met. But subsection (2)(b) states that information which has previously been in the public domain is not covered by these restrictions.
51. As stated in subsection (4), a person who knowingly discloses information that should not be made public in terms of this section commits an offence. Subsection (5) details the penalties that can be imposed for an unauthorised disclosure of information.