Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 9

DISCLOSURE OF INFORMATION

PART 2

OFFENCES RELATING TO DISCLOSURE AND USE OF PROTECTED INFORMATION

Prohibition on disclosing protected information

- 2 Protected information must not be disclosed—
 - (a) by the original holder of the information, or
 - (b) by any other person holding it who has received it directly or indirectly from the original holder by virtue of a disclosure, or disclosures, in accordance with this Schedule,

except in accordance with Part 3 of this Schedule.

Offence of disclosing protected information in contravention of paragraph 2

It is an offence for a person to disclose information in contravention of paragraph 2.

Offence of using protected information in contravention of a restriction in Part 3

It is an offence for a person to use protected information in contravention of a restriction under paragraph 10(3), 11(2), 12(2), 13(2), 14(2) or 15(2).

Defence to offences under paragraphs 3 and 4

- 5 It is a defence for a person charged with an offence under paragraph 3 or 4 to prove—
 - (a) that the person did not know and had no reason to suspect that the information was protected information, or
 - (b) that the person took all reasonable precautions and exercised all due diligence to avoid committing the offence.

Penalty for offences under paragraphs 3 and 4

- 6 (1) A person who commits an offence under paragraph 3 or 4 is liable—
 - (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months (in England and Wales or Scotland) or 6 months (in Northern Ireland),
 - (ii) to a fine (in England and Wales) or a fine not exceeding the statutory maximum (in Scotland or Northern Ireland), or
 - (iii) to both;

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- (b) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years,
 - (ii) to a fine, or
 - (iii) to both.
- (2) In the application of sub-paragraph (1) to England and Wales in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference in sub-paragraph (1)(a)(i) to 12 months is to be read as a reference to 6 months.