

SCHEDULES

SCHEDULE 3

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

Unauthorised disclosure of information

4.—(1) If a person to whom this paragraph applies discloses without lawful authority any information—

- (a) acquired in the course of that person's employment,
- (b) which is, or is derived from, information provided under this Schedule, and
- (c) which relates to a particular person,

that person is guilty of an offence.

(2) This paragraph applies to any person who is—

- (a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;
- (b) employed in the Department or in the provision of services to the Department; or
- (c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

- (a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or
- (b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this paragraph is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

- (6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—
- (a) in the course of and for the purposes of that person’s employment in a prescribed body;
 - (b) in accordance with that person’s official duty as a civil servant or as an employee of the Board;
 - (c) in accordance with an authorisation given by the Department, the Board or the prescribed body;
 - (d) in accordance with any statutory provision or order of a court;
 - (e) for the purposes of any criminal proceedings; or
 - (f) with the consent of the person to whom the information relates.
- (7) In this paragraph “employment”—
- (a) includes employment as a volunteer; and
 - (b) in relation to a particular person, shall be construed in accordance with sub-paragraph (2).