

SCHEDULES

SCHEDULE 3

Section 36.

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

Disclosure by police to body providing support services for victims

1.—(1) A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.

(2) For the purposes of this paragraph—

“relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted; and
- (c) such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);

“support services” means services involving the provision of information, advice, support or any other form of assistance to victims.

Disclosure by Public Prosecution Service to body providing support services for witnesses

2.—(1) Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.

(2) For the purposes of this paragraph—

- (a) “relevant information relating to a witness” means—
 - (i) the name and address of the witness;

- (ii) the age of the witness;
- (iii) any telephone number or e-mail address at which the witness may be contacted; and
- (iv) such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

(3) In this paragraph—

“support services” means services involving the provision of information, advice, support or any other form of assistance to prosecution witnesses in criminal proceedings;

“prosecution witness”, in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

*Disclosure by Public Prosecution Service
for purposes of victim information schemes*

3.—(1) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—

- (a) a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or
- (b) a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).

(2) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).

(3) For the purposes of this paragraph “relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted;
- (c) details of the criminal conduct concerned; and
- (d) such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution

Service to be appropriate to disclose for the purpose mentioned in subparagraph (1).

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).

Saving for other powers of disclosure

5. Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule

Interpretation

- 6.—(1) In this Schedule—
- “the Board” means the Probation Board for Northern Ireland;
 - “prescribed” means prescribed by regulations made by the Department.
- (2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies for the purposes of section 28.