



2016 CHAPTER 22

PART 5

Supplementary

Information

Unauthorised disclosure of information obtained under section 73 or 74

76.—(1) An employee of a council commits an offence if the employee discloses without lawful authority any information—

- (a) which the employee acquired in the course of his or her employment,
- (b) which is, or is derived from, information provided to the council under section 73 or 74, and
- (c) which relates to particular living accommodation or a particular person.

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

(3) It is a defence for a person charged with an offence under this section to show that, at the time of the alleged offence, the person believed—

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

(4) For these purposes a disclosure of information is made with lawful authority if, and only if, it is made—

- (a) by an employee of the council in accordance with the employee's official duties,

- (b) in accordance with any statutory provision or order of a court,
 - (c) for the purposes of any criminal proceedings, or
 - (d) with the consent of the person to whom the information relates.
- (5) A person guilty of an offence under this section 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 2 years or to a fine or to both.