



Census (Confidentiality) Act 1991

1991 CHAPTER 6

1 Unlawful disclosure of information

In section 8 of the Census Act 1920 (penalties), the following subsections shall be substituted for subsection (2)—

- “(2) If the Registrar-General for England and Wales or the Registrar-General for Scotland (“the Registrars”) or any person who is—
- (a) under the control of either of the Registrars; or
 - (b) a supplier of any services to either of them,
- discloses any personal census information to another person, without lawful authority, he shall be guilty of an offence.
- (3) If any person discloses to another person any personal census information which he knows has been disclosed in contravention of this Act, he shall be guilty of an offence.
- (4) It shall be a defence for a person charged with an offence under subsection (2) or (3) to prove—
- (a) that at the time of the alleged offence he believed—
 - (i) that he was acting with lawful authority; or
 - (ii) that the information in question was not personal census information; and
 - (b) that he had no reasonable cause to believe otherwise.
- (5) A person guilty of an offence under subsection (2) or (3) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
 - (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 section—
- (a) references to a Registrar include, where he is also the holder of a designated office, references to him in his capacity as the holder of that office;

Status: This is the original version (as it was originally enacted).

- (b) a person is to be treated as under the control of one of the Registrars if he is, or has been—
 - (i) employed by that Registrar (whether or not on a full-time basis); or
 - (ii) otherwise employed, or acting, (whether or not on a full-time basis) as part of that Registrar's staff for purposes of this Act;
- (c) a person is to be treated as a supplier of services to a Registrar if he—
 - (i) supplies, or has supplied, any services to that Registrar in connection with the discharge by that Registrar of any of his functions; or
 - (ii) is, or has been, employed by such a supplier.

(7) In this section—

“census information” means any information which is—

- (i) acquired by any person mentioned in subsection (2) above in the course of any work done by him in connection with the discharge of functions under section 2 or 4 of this Act;
- (ii) acquired by any such person in the course of working, for purposes of section 5 of this Act, with any information acquired as mentioned in sub-paragraph (i) above; or
- (iii) derived from any information so acquired;

“designated office”, in relation to a Registrar, means any office for the time being designated by him in writing for the purposes of this section; and

“personal census information” means any census information which relates to an identifiable person or household.”