

*Status: Point in time view as at 22/04/2011.*

*Changes to legislation: Data Protection Act 1998, Cross Heading: Information provided to Commissioner or Tribunal is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Information provided to Commissioner or Tribunal*

#### **58 Disclosure of information.**

No enactment or rule of law prohibiting or restricting the disclosure of information shall preclude a person from furnishing the Commissioner or the Tribunal with any information necessary for the discharge of their functions under this Act [<sup>F1</sup>or the Freedom of Information Act 2000].

#### **Textual Amendments**

**F1** Words in s. 58 inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 18** (with ss. 7(1)(7), 56, 78)

#### **Modifications etc. (not altering text)**

**C1** **S. 58** applied (with modifications) (1.3.2000) by **S.I. 1999/2093**, reg. 32(8)(b)  
**S. 58** applied (with modifications) (11.12.2003) by **The Privacy and Electronic Communications (EC Directive) Regulations 2003** (S.I. 2003/2426), **reg. 28(8)(c)** (with regs. 4, 15(3), 28, 29)

#### **59 Confidentiality of information.**

(1) No person who is or has been the Commissioner, a member of the Commissioner's staff or an agent of the Commissioner shall disclose any information which—

- (a) has been obtained by, or furnished to, the Commissioner under or for the purposes of [<sup>F2</sup>the information Acts],
- (b) relates to an identified or identifiable individual or business, and

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- (c) is not at the time of the disclosure, and has not previously been, available to the public from other sources,  
unless the disclosure is made with lawful authority.
- (2) For the purposes of subsection (1) a disclosure of information is made with lawful authority only if, and to the extent that—
- (a) the disclosure is made with the consent of the individual or of the person for the time being carrying on the business,
  - (b) the information was provided for the purpose of its being made available to the public (in whatever manner) under any provision of [<sup>F2</sup>the information Acts],
  - (c) the disclosure is made for the purposes of, and is necessary for, the discharge of—
    - (i) any functions under [<sup>F2</sup>the information Acts], or
    - (ii) any [<sup>F3</sup>EU] obligation,
  - (d) the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under, or by virtue of, [<sup>F2</sup>the information Acts] or otherwise, or
  - (e) having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.
- (3) Any person who knowingly or recklessly discloses information in contravention of subsection (1) is guilty of an offence.
- [<sup>F4</sup>(4) In this section “the information Acts” means this Act and the Freedom of Information Act 2000.]

#### Textual Amendments

- F2** Words in s. 59(1)(a)(2)(b)(c)(i)(d) substituted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 19(2)** (with ss. 7(1)(7), 56, 78)
- F3** Word in s. 59(2)(c)(ii) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **art. 6(1)** (with application as mentioned in art. 3(3))
- F4** S. 59(4) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 19(3)** (with ss. 7(1)(7), 56, 78)

#### Modifications etc. (not altering text)

- C2** S. 59(1): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. I para. 42**

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