



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART I

#### COMMUNICATIONS

#### CHAPTER I

#### INTERCEPTION

*Restrictions on use of intercepted material etc.*

#### **19 Offence for unauthorised disclosures**

- (1) Where an interception warrant has been issued or renewed, it shall be the duty of every person falling within subsection (2) to keep secret all the matters mentioned in subsection (3).
- (2) The persons falling within this subsection are—
  - (a) the persons specified in section 6(2);
  - (b) every person holding office under the Crown;
  - (c) every member of the National Criminal Intelligence Service;
  - (d) every member of the National Crime Squad;
  - (e) every person employed by or for the purposes of a police force;
  - (f) persons providing postal services or employed for the purposes of any business of providing such a service;
  - (g) persons providing public telecommunications services or employed for the purposes of any business of providing such a service;
  - (h) persons having control of the whole or any part of a telecommunication system located wholly or partly in the United Kingdom.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Those matters are—
- (a) the existence and contents of the warrant and of any section 8(4) certificate in relation to the warrant;
  - (b) the details of the issue of the warrant and of any renewal or modification of the warrant or of any such certificate;
  - (c) the existence and contents of any requirement to provide assistance with giving effect to the warrant;
  - (d) the steps taken in pursuance of the warrant or of any such requirement; and
  - (e) everything in the intercepted material, together with any related communications data.
- (4) A person who makes a disclosure to another of anything that he is required to keep secret under this section shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.
- (5) In proceedings against any person for an offence under this section in respect of any disclosure, it shall be a defence for that person to show that he could not reasonably have been expected, after first becoming aware of the matter disclosed, to take steps to prevent the disclosure.
- (6) In proceedings against any person for an offence under this section in respect of any disclosure, it shall be a defence for that person to show that—
- (a) the disclosure was made by or to a professional legal adviser in connection with the giving, by the adviser to any client of his, of advice about the effect of provisions of this Chapter; and
  - (b) the person to whom or, as the case may be, by whom it was made was the client or a representative of the client.
- (7) In proceedings against any person for an offence under this section in respect of any disclosure, it shall be a defence for that person to show that the disclosure was made by a legal adviser—
- (a) in contemplation of, or in connection with, any legal proceedings; and
  - (b) for the purposes of those proceedings.
- (8) Neither subsection (6) nor subsection (7) applies in the case of a disclosure made with a view to furthering any criminal purpose.
- (9) In proceedings against any person for an offence under this section in respect of any disclosure, it shall be a defence for that person to show that the disclosure was confined to a disclosure made to the Interception of Communications Commissioner or authorised—
- (a) by that Commissioner;
  - (b) by the warrant or the person to whom the warrant is or was addressed;
  - (c) by the terms of the requirement to provide assistance; or
  - (d) by section 11(9).