



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 3

#### [<sup>F1</sup>ASSESSMENTS OF EFFECTIVENESS OF EDUCATION AND TRAINING ETC]

*F1* ...

#### **90 Wrongful onward disclosure of information**

- (1) This section applies to information—
  - (a) used in reliance on section 87(1)(a), or
  - (b) disclosed in reliance on section 87(1)(b) or 88.
- (2) A person commits an offence if—
  - (a) the person discloses the information to another otherwise than in connection with the exercise of an assessment function of the Secretary of State or a devolved authority, and
  - (b) the information relates to a person whose identity is specified in or can be deduced from the disclosure.
- (3) It is a defence to prove that a person charged with the offence reasonably believed—
  - (a) that the disclosure was lawful, or
  - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding [<sup>F1</sup>the general limit in a magistrates' court] or to a fine not exceeding the statutory maximum or to both.
- (5) A prosecution for an offence under this section may be instituted in England and Wales only with the consent of the Director of Public Prosecutions.

---

**Changes to legislation:** Education and Skills Act 2008, Section 90 is up to date with all changes known to be in force on or before 29 April 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) View outstanding changes

---

- (6) In subsection (4)(b), the reference to [<sup>F2</sup>the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed in England and Wales before [<sup>F3</sup>2 May 2022].

---

#### Textual Amendments

- F1** Words in s. 90(4)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 90(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in s. 90(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- 

#### Commencement Information

- I1** S. 90 in force at 26.1.2009 by [S.I. 2008/3077](#), **art. 4(c)**

**Changes to legislation:**

Education and Skills Act 2008, Section 90 is up to date with all changes known to be in force on or before 29 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)