

BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009

EXPLANATORY NOTES

COMMENTARY

Part 1: Border Functions

Use and disclosure of information

Section 17: Prohibition on further disclosure

81. **Section 17** sets out the circumstances where the further onward disclosure of personal customs information may be allowed. It applies to persons who will have received information from persons specified in section 15, in accordance with section 16, or indeed from other persons (who have received customs information from those persons) under section 17 itself.
82. Subsection (1) states if a disclosure takes place in reliance on section 16 or this section, the person to whom that disclosure was made is prohibited from further disclosing the information without the consent of a relevant official (as defined in section 15(3)).
83. Subsection (2) states that a person does not breach subsection (1) if the disclosure has been made in accordance with subsections (3) to (8) of section 16, and provided that, in the case of the disclosure of customs revenue information, such disclosure does not contravene any restriction imposed by the Commissioners.
84. Subsection (3) provides that the Commissioners' restrictions do not apply if the person making the onward disclosure knows that the information was acquired other than through the exercise of a customs revenue function.
85. Subsection (4) states that section 17 is subject to any other enactment permitting disclosure. This, for example, would include section 36 of the IANA 2006, as amended by section 21, which requires the Secretary of State, HMRC and the police to share certain information relating to the border with each other.
86. Subsection (5) states that the term "enactment" referred to in subsection (4) does not relate to an Act of the Scottish Parliament or a Measure or Act of the National Assembly for Wales or Northern Ireland legislation.