



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## *Information-gathering*

### **19 Offence of Commissioner's office disclosing confidential information**

- (1) A person mentioned in subsection (2) commits an offence if—
  - (a) the person knowingly discloses any information which—
    - (i) has been obtained by or on behalf of the Commissioner for the purposes of exercising the Commissioner's functions, and
    - (ii) at the time of disclosure is not, and has not previously been, in the public domain, and
  - (b) the disclosure is not authorised by subsection (3).
- (2) The persons referred to in subsection (1) are persons who are or have been—
  - (a) the Commissioner,
  - (b) a member of the Commissioner's staff,
  - (c) an agent of the Commissioner.
- (3) For the purposes of subsection (1)(b), disclosure is authorised only so far as—
  - (a) it is made with the consent of the person from whom the information was obtained,
  - (b) it is necessary for the purpose of enabling or assisting the exercise of the Commissioner's functions under this Act, or
  - (c) it is made for the purposes of legal proceedings, whether criminal or civil (including for the purposes of the investigation of any offence or suspected offence).
- (4) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.