



Serious Crime Act 2007

2007 CHAPTER 27

PART 3

OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

CHAPTER 1

PREVENTION OF FRAUD

Sharing information with anti-fraud organisations

69 Offence for certain further disclosures of information

- (1) A person (“B”) commits an offence, subject as follows, if—
- (a) B discloses protected information which has been disclosed by a public authority—
 - (i) as a result of the public authority being a member of a specified anti-fraud organisation; or
 - (ii) otherwise in accordance with any arrangements made by such an organisation;
 - (b) the information—
 - (i) has been so disclosed by the public authority to B; or
 - (ii) has come into B’s possession as a result (whether directly or indirectly) of such a disclosure by the public authority to another person; and
 - (c) B knows or suspects, or has reasonable grounds for suspecting, that the information is information of the kind mentioned in paragraphs (a) and (b).
- (2) Subsection (1) does not apply to a disclosure made by B—
- (a) where B is acting (whether as an employee or otherwise) on behalf of the person to whom the information was disclosed by the public authority

Status: This is the original version (as it was originally enacted).

- concerned and the disclosure by B is to another person acting (whether as an employee or otherwise) on behalf of that person;
- (b) for the purposes of the detection, investigation or prosecution of an offence in the United Kingdom;
 - (c) with the consent of the public authority concerned; or
 - (d) in pursuance of a Community obligation or a duty imposed by an enactment;
- but it does apply to a disclosure made by B which does not fall within paragraphs (a) to (d) above but which (but for the offence) would have been permitted by a power conferred by an enactment.
- (3) Subsection (1) does not apply to a disclosure made by B of information—
- (a) which has been disclosed by a relevant public authority; and
 - (b) whose subject-matter is a matter about which provision would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament;
- and subsection (6) of section 68 applies for the purposes of this subsection as it applies for the purposes of subsection (5) of that section.
- (4) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—
- (a) that the disclosure was lawful; or
 - (b) that the information had already and lawfully been made available to the public.
- (5) In this section “protected information” means—
- (a) any revenue and customs information disclosed by Revenue and Customs and revealing the identity of the person to whom it relates; or
 - (b) any specified information disclosed by a specified public authority.
- (6) For the purposes of this section—
- (a) “revenue and customs information” means information about, acquired as a result of or held in connection with the exercise of a function of the Commissioners of Revenue and Customs or an officer of Revenue and Customs in respect of a person;
 - (b) revenue and customs information reveals a person’s identity if—
 - (i) it specifies his identity; or
 - (ii) his identity can be deduced from it; and
 - (c) revenue and customs information relates to a person if he is the person in respect of whom the function mentioned in paragraph (a) is exercised.
- (7) In this section—
- “Commissioners of Revenue and Customs” means Commissioners for Her Majesty’s Revenue and Customs;
 - “enactment” has the same meaning as in section 14;
 - “public authority” has the same meaning as in section 68;
 - “Revenue and Customs” means—
 - (a) the Commissioners of Revenue and Customs;
 - (b) an officer of Revenue and Customs; or
 - (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs;

“specified anti-fraud organisation” means any person which is a specified anti-fraud organisation for the purposes of section 68;

“specified information” means information specified or described in an order made by the Secretary of State; and

“specified public authority” means a public authority specified or described in an order made by the Secretary of State.