



2009 CHAPTER 8

Social security information

Unauthorised disclosure of information relating to particular persons

10.—(1) If a person to whom this section applies (A) discloses without lawful authority any information—

- (a) acquired in the course of A's employment;
- (b) which is, or is derived from, information provided under section 9; and
- (c) which relates to a particular person,

A shall be guilty of an offence.

(2) This section applies to any person who is—

- (a) employed in the Department or in the provision of services to the Department; or
- (b) a member, officer or employee of the Housing Executive or employed in the provision of services to the Housing Executive;

and "employment" in relation to any such person shall be construed accordingly.

(3) It is not an offence under this section to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this section to show that at the time of the alleged offence—

- (a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or
- (b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

- (5) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) For the purposes of this section a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—
- (a) in accordance with that person's official duty as a civil servant;
 - (b) in accordance with that person's official duty as a member, officer or employee of the Housing Executive;
 - (c) in accordance with an authorisation given by the Department or the Housing Executive;
 - (d) in accordance with any statutory provision or order of a court;
 - (e) for the purposes of any criminal proceedings; or
 - (f) with the consent of the person to whom the information relates.