
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

**PART IX
INFORMATION**

Restriction on disclosure of information

Unauthorised disclosure of information relating to particular persons

266.—(1) A person to whom this Article applies commits an offence if he discloses without lawful authority any information—

- (a) which he acquired in the course of his employment;
- (b) which is, or is derived from, information supplied under—
 - (i) Article 264; or
 - (ii) Article 3 of the Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006; and
- (c) which relates to a particular person.

(2) This Article applies to any person who is employed—

- (a) by a relevant undertaker; or
- (b) in the provision of services to a relevant undertaker for the purposes of any arrangements mentioned in Article 264(2);

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

(3) It is not an offence under this Article 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 Article to show that at the time of the alleged offence—

- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
- (b) he 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 Article 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 Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made—

- (a) with the authority of a relevant undertaker for the purposes of the exercise of its functions;
- (b) in accordance with any statutory provision or order of a court;
- (c) for the purposes of any criminal proceedings; or
- (d) with the consent of the person to whom the information relates.