



Census (Confidentiality) Act 1991

1991 CHAPTER 6

An Act to make provision with respect to the unlawful disclosure of information acquired in connection with the discharge of functions under the Census Act 1920; and for connected purposes. [7th March 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Unlawful disclosure of information

In section 8 of the Census Act 1920 (penalties), the following subsections shall be substituted for subsection (2)—

- “(2) If the Registrar-General for England and Wales or the Registrar-General for Scotland (“the Registrars”) or any person who is—
- (a) under the control of either of the Registrars; or
 - (b) a supplier of any services to either of them,
- discloses any personal census information to another person, without lawful authority, he shall be guilty of an offence.
- (3) If any person discloses to another person any personal census information which he knows has been disclosed in contravention of this Act, he shall be guilty of an offence.
- (4) It shall be a defence for a person charged with an offence under subsection (2) or (3) to prove—
- (a) that at the time of the alleged offence he believed—
 - (i) that he was acting with lawful authority; or
 - (ii) that the information in question was not personal census information; and
 - (b) that he had no reasonable cause to believe otherwise.

Status: This is the original version (as it was originally enacted).

- (5) A person guilty of an offence under subsection (2) or (3) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
 - (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) references to a Registrar include, where he is also the holder of a designated office, references to him in his capacity as the holder of that office;
 - (b) a person is to be treated as under the control of one of the Registrars if he is, or has been—
 - (i) employed by that Registrar (whether or not on a full-time basis); or
 - (ii) otherwise employed, or acting, (whether or not on a full-time basis) as part of that Registrar's staff for purposes of this Act;
 - (c) a person is to be treated as a supplier of services to a Registrar if he—
 - (i) supplies, or has supplied, any services to that Registrar in connection with the discharge by that Registrar of any of his functions; or
 - (ii) is, or has been, employed by such a supplier.
- (7) In this section—
- “census information” means any information which is—
- (i) acquired by any person mentioned in subsection (2) above in the course of any work done by him in connection with the discharge of functions under section 2 or 4 of this Act;
 - (ii) acquired by any such person in the course of working, for purposes of section 5 of this Act, with any information acquired as mentioned in sub-paragraph (i) above; or
 - (iii) derived from any information so acquired;
- “designated office”, in relation to a Registrar, means any office for the time being designated by him in writing for the purposes of this section; and
- “personal census information” means any census information which relates to an identifiable person or household.”

2 Power to make corresponding provision for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to section 1—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

3 Short title and extent

- (1) This Act may be cited as the Census (Confidentiality) Act 1991.

- (2) This Act, other than section 2 (which extends only to Northern Ireland), does not extend to Northern Ireland.