



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART XII

MISCELLANEOUS AND GENERAL

Obtaining computer-held information

161 Procuring disclosure of, and selling, computer-held personal information

- (1) In section 5 of the Data Protection Act 1984 (prohibitions in relation to personal data, including disclosure), after subsection (5), there shall be inserted the following subsections—
- “(6) A person who procures the disclosure to him of personal data the disclosure of which to him is in contravention of subsection (2) or (3) above, knowing or having reason to believe that the disclosure constitutes such a contravention, shall be guilty of an offence.
- (7) A person who sells personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured the disclosure of the data to him.
- (8) A person who offers to sell personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured or subsequently procures the disclosure of the data to him.
- (9) For the purposes of subsection (8) above, an advertisement indicating that personal data are or may be for sale is an offer to sell the data.
- (10) For the purposes of subsections (7) and (8) above, “selling”, or “offering to sell”, in relation to personal data, includes selling, or offering to sell, information extracted from the data.

Status: This is the original version (as it was originally enacted).

- (11) In determining, for the purposes of subsection (6), (7) or (8) above, whether a disclosure is in contravention of subsection (2) or (3) above, section 34(6)(d) below shall be disregarded.”.
- (2) In consequence of the amendment made by subsection (1) above—
- (a) in subsection (5) of that section, after the word “other” there shall be inserted the word “foregoing”; and
- (b) in section 28 (exemptions: crime and taxation), in subsection (3)—
- (i) after the words “section 26(3)(a) above” there shall be inserted the words “or for an offence under section 5(6) above”; and
- (ii) after the words “to make” there shall be inserted the words “or (in the case of section 5(6)) to procure”.

162 Access to computer material by constables and other enforcement officers

- (1) In section 10 of the Computer Misuse Act 1990 (offence of unauthorised access not to apply to exercise of law enforcement powers), after paragraph (b), there shall be inserted the following words—

“and nothing designed to indicate a withholding of consent to access to any program or data from persons as enforcement officers shall have effect to make access unauthorised for the purposes of the said section 1(1).

In this section “enforcement officer” means a constable or other person charged with the duty of investigating offences; and withholding consent from a person “as” an enforcement officer of any description includes the operation, by the person entitled to control access, of rules whereby enforcement officers of that description are, as such, disqualified from membership of a class of persons who are authorised to have access.”.

- (2) In section 17(5) of that Act (when access is unauthorised), after paragraph (b), there shall be inserted the following words—

“but this subsection is subject to section 10.”.