



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART V

#### IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

##### *Miscellaneous*

#### **93 Information.**

- (1) No enactment or rule of law prohibiting or restricting the disclosure of information prevents a person from—
  - (a) giving the Commissioner information which is necessary for the discharge of his functions; or
  - (b) giving the [<sup>F</sup>First-tier Tribunal] information which is necessary for the discharge of its functions.
- (2) No relevant person may at any time disclose information which—
  - (a) has been obtained by, or given to, the Commissioner under or for purposes of this Act,
  - (b) relates to an identified or identifiable individual or business, and
  - (c) is not at that time, and has not previously been, available to the public from other sources,unless the disclosure is made with lawful authority.
- (3) For the purposes of subsection (2), a disclosure is made with lawful authority only if, and to the extent that—
  - (a) it is made with the consent of the individual or of the person for the time being carrying on the business;
  - (b) it is made for the purposes of, and is necessary for, the discharge of any of the Commissioner's functions under this Act or any Community obligation of the Commissioner;
  - (c) it is made for the purposes of any civil or criminal proceedings arising under or by virtue of this Part, or otherwise; or

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*Status: Point in time view as at 18/01/2010. This version of this provision has been superseded.*

*Changes to legislation: Immigration and Asylum Act 1999, Section 93 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (d) having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.
- (4) A person who knowingly or recklessly discloses information in contravention of subsection (2) is guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine.
- (5) “Relevant person” means a person who is or has been—
  - (a) the Commissioner;
  - (b) a member of the Commissioner’s staff; or
  - (c) an agent of the Commissioner.

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**Textual Amendments**

- F1** Words in s. 93(1)(b) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 39** (with Sch. 5)

**Status:**

Point in time view as at 18/01/2010. This version of this provision has been superseded.

**Changes to legislation:**

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