



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

Use and disclosure of information

32 Use of information by SOCA

Information obtained by SOCA in connection with the exercise of any of its functions may be used by SOCA in connection with the exercise of any of its other functions.

33 Disclosure of information by SOCA

(1) Information obtained by SOCA in connection with the exercise of any of its functions may be disclosed by SOCA if the disclosure is for any permitted purposes.

(2) “Permitted purposes” means the purposes of any of the following—

- (a) the prevention, detection, investigation or prosecution of criminal offences, whether in the United Kingdom or elsewhere;
- (b) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom;
- (c) the exercise of any function conferred on SOCA by section 2, 3 or 5 (so far as not falling within paragraph (a) or (b));

Status: This is the original version (as it was originally enacted).

- (d) the exercise of any functions of any intelligence service within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23);
- (e) the exercise of any functions under Part 2 of the Football Spectators Act 1989 (c. 37);
- (f) the exercise of any function which appears to the Secretary of State to be a function of a public nature and which he designates by order.

(3) A disclosure under this section does not breach—

- (a) any obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed).

(4) But nothing in this section authorises—

- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998 (c. 29), of personal data which are not exempt from those provisions,
- (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000, or
- (c) a disclosure in contravention of section 35(2).

34 Disclosure of information to SOCA

(1) Any person may disclose information to SOCA if the disclosure is made for the purposes of the exercise by SOCA of any of its functions.

(2) A disclosure under this section does not breach—

- (a) any obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed).

(3) But nothing in this section authorises—

- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
- (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

(4) Information may not be disclosed under subsection (1) on behalf of the Commissioners unless the disclosure is authorised by the Commissioners or by an authorised officer of theirs.

35 Restrictions on further disclosure

(1) Information disclosed by SOCA under section 33 to any person or body must not be further disclosed except—

- (a) for a purpose connected with any function of that person or body for the purposes of which the information was disclosed by SOCA, or otherwise for any permitted purposes, and
- (b) with the consent of SOCA.

(2) Information disclosed to SOCA under any enactment by the Commissioners or a person acting on their behalf must not be further disclosed except—

- (a) for any permitted purposes, and
- (b) with the consent of the Commissioners or an authorised officer of Revenue and Customs.

- (3) Consent under subsection (1) or (2) may be given—
- (a) in relation to a particular disclosure, or
 - (b) in relation to disclosures made in circumstances specified or described in the consent.
- (4) In this section “permitted purposes” has the meaning given by section 33(2).