



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 1

#### POWERS TO GATHER AND SHARE INFORMATION

##### *Disclosure of information and the intelligence services*

#### **19 Disclosure and the intelligence services**

- (1) A person may disclose information to any of the intelligence services for the purposes of the exercise by that service of any of its functions.
- (2) Information obtained by any of the intelligence services in connection with the exercise of any of its functions may be used by that service in connection with the exercise of any of its other functions.
- (3) Information obtained by the Security Service for the purposes of any of its functions may be disclosed by it—
  - (a) for the purpose of the proper discharge of its functions,
  - (b) for the purpose of the prevention or detection of serious crime, or
  - (c) for the purpose of any criminal proceedings.
- (4) Information obtained by the Secret Intelligence Service for the purposes of any of its functions may be disclosed by it—
  - (a) for the purpose of the proper discharge of its functions,
  - (b) in the interests of national security,
  - (c) for the purpose of the prevention or detection of serious crime, or
  - (d) for the purpose of any criminal proceedings.
- (5) Information obtained by GCHQ for the purposes of any of its functions may be disclosed by it—
  - (a) for the purpose of the proper discharge of its functions, or
  - (b) for the purpose of any criminal proceedings.

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*Changes to legislation:* There are currently no known outstanding effects for the Counter-Terrorism Act 2008,  
*Cross Heading:* Disclosure of information and the intelligence services. (See end of Document for details)

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- (6) 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).
- (7) The provisions of this section are subject to section 20 (savings and other supplementary provisions).

#### Commencement Information

**II** S. 19 in force at 24.12.2008 by [S.I. 2008/3296](#), [art. 2](#)

## 20 Disclosure and the intelligence services: supplementary provisions

- (1) The provisions of section 19 (disclosure and use of information) do not affect the duties with respect to the obtaining or disclosure of information imposed—
- (a) on the Director-General of the Security Service, by section 2(2) of the Security Service Act 1989;
  - (b) on the Chief of the Intelligence Service, by section 2(2) of the Intelligence Services Act 1994;
  - (c) on the Director of GCHQ, by section 4(2) of that Act.
- (2) Nothing in that section authorises a disclosure that—
- (a) contravenes [<sup>F1</sup>the data protection legislation], or
  - (b) is prohibited by [<sup>F2</sup>any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (3) The provisions of that section are without prejudice to any rule of law authorising the obtaining, use or disclosure of information by any of the intelligence services.
- (4) Schedule 1 contains amendments consequential on that section.
- [<sup>F3</sup>(5) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### Textual Amendments

- F1** Words in s. 20(2)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 154\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F2** Words in s. 20(2)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), [Sch. 10 para. 22](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2018/652](#), reg. 12(g)(iii)
- F3** S. 20(5) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 154\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

#### Commencement Information

**I2** S. 20 in force at 24.12.2008 by [S.I. 2008/3296](#), [art. 2](#)

## 21 Disclosure and the intelligence services: interpretation

- (1) In sections 19 and 20 “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ.

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- (2) References in section 19 to the functions of those services are—
- (a) in the case of the Security Service, to the functions specified in section 1(2) to (4) of the Security Service Act 1989 (c. 5);
  - (b) in the case of the Secret Intelligence Service, to the functions specified in section 1(1)(a) and (b) of the Intelligence Services Act 1994 (c. 13), exercised in accordance with section 1(2) of that Act;
  - (c) in the case of GCHQ—
    - (i) to the functions specified in section 3(1)(a) of that Act, exercised in accordance with section 3(2) of that Act, and
    - (ii) to the functions specified in section 3(1)(b) of that Act.
- (3) In sections 19, 20 and this section “GCHQ” has the same meaning as in the Intelligence Services Act 1994 (see section 3(3) of that Act).
- (4) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of “prevention” and “detection”), so far as it relates to serious crime, applies for the purposes of section 19 as it applies for the purposes of the provisions of that Act not contained in Chapter 1 of Part 1.

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**Commencement Information**

**I3** S. 21 in force at 24.12.2008 by [S.I. 2008/3296](#), [art. 2](#)

**Changes to legislation:**

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