



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 1

#### BORDER FUNCTIONS

##### *Use and disclosure of information*

#### **15 Prohibition on disclosure of personal customs information**

- (1) A person who is or was a relevant official, the Secretary of State by whom general customs functions are exercisable or another Minister of the Crown in that Secretary of State's department may not disclose personal customs information to a person who is not—
  - (a) a relevant official, or
  - (b) a Minister of the Crown in that department.
- (2) A person who is or was a relevant official may not disclose personal customs revenue information to a Minister of the Crown.
- (3) In this Part “relevant official” means—
  - (a) a designated customs official,
  - (b) an immigration officer,
  - (c) the Director of Border Revenue, or
  - (d) a person acting on behalf of—
    - (i) the Secretary of State by whom general customs functions are exercisable, or
    - (ii) a person mentioned in paragraphs (a) to (c).
- (4) In this Part—

“personal customs information” means customs information relating to a person that—

*Status: Point in time view as at 27/03/2014.*

*Changes to legislation: Borders, Citizenship and Immigration Act 2009, Section 15 is up to date with all changes known to be in force on or before 11 April 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)*

- (a) identifies that person, or
  - (b) enables that person to be identified (either by itself or in combination with other information);
- “personal customs revenue information” means customs revenue information relating to a person that—
- (a) identifies that person, or
  - (b) enables that person to be identified (either by itself or in combination with other information).
- (5) A person—
- (a) does not breach subsection (1) by disclosing information the person knows was acquired otherwise than as the result of the exercise of a customs function;
  - (b) does not breach subsection (2) by disclosing information the person knows was acquired otherwise than as the result of the exercise of a customs revenue function.
- (6) Subsections (1) and (2) are also subject to—
- (a) section 16 (exceptions to the prohibition in this section), and
  - (b) any enactment (other than an enactment contained in this Part) permitting disclosure, where the disclosure in question does not contravene any restriction imposed by the Commissioners for Her Majesty's Revenue and Customs on the disclosure of customs revenue information.
- (7) This section does not apply to information supplied by or on behalf of Her Majesty's Revenue and Customs [<sup>F1</sup>or to information supplied by or on behalf of the Crown Prosecution Service under section 40 or 41A of the UK Borders Act 2007].
- This is without prejudice to any other restriction on the disclosure of such information.
- (8) In subsection (6) the reference to an enactment does not include an enactment contained in, or in an instrument made under—
- (a) an Act of the Scottish Parliament,
  - (b) a Measure or Act of the National Assembly for Wales, or
  - (c) Northern Ireland legislation.

#### Textual Amendments

- F1** Words in s. 15(7) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 66](#)

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