



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 1

PUBLIC SERVICE DELIVERY

41 Confidentiality of personal information

- (1) Personal information disclosed under any of sections 35 to 39 and received by a person (“P”) may not be disclosed—
- (a) by P, or
 - (b) by any other person who has received it directly or indirectly from P.
- (2) Subsection (1) does not apply to a disclosure—
- (a) which is required or permitted by any enactment (including any of sections 35 to 39),
 - (b) which is required by an EU obligation,
 - (c) which is made in pursuance of an order of the court,
 - (d) of information which has already lawfully been made available to the public,
 - (e) which is made for the prevention or detection of crime or the prevention of anti-social behaviour,
 - (f) which is made for the purposes of a criminal investigation,
 - (g) which is made for the purposes of legal proceedings (whether civil or criminal),
 - (h) which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
 - (i) consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 41. (See end of Document for details)

- (j) which is made with the consent of the person to whom it relates, or
 - (k) which is made for the purposes of—
 - (i) preventing serious physical harm to a person,
 - (ii) preventing loss of human life,
 - (iii) safeguarding vulnerable adults or children,
 - (iv) responding to an emergency, or
 - (v) protecting national security.
- (3) In subsection (2)(e) “anti-social behaviour” means conduct that—
- (a) is likely to cause harassment, alarm or distress to any person, or
 - (b) is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- (4) A person commits an offence if—
- (a) the person discloses personal information in contravention of subsection (1), and
 - (b) at the time that the person makes the disclosure, the person knows that the disclosure contravenes that subsection or is reckless as to whether the disclosure does so.
- (5) A person who is guilty of an offence under subsection (4) is liable on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (6) A person who is guilty of an offence under subsection (4) is liable on summary conviction—
- (a) in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court], to a fine or to both;
 - (b) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (c) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.
- (7) In the application of subsection (6)(a) to an offence committed before [^{F2}2 May 2022] the reference to [^{F3}the general limit in a magistrates’ court] is to be read as a reference to 6 months.
- (8) This section does not apply to personal information disclosed under section 35, 36 or 38 by the Revenue and Customs.

Textual Amendments

- F1** Words in s. 41(6)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 41(7) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 41(7) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Modifications etc. (not altering text)

- C1** [Pt. 5 Ch. 1: functions made exercisable concurrently \(30.9.2020\)](#) by [The Transfer of Functions \(Digital Government\) Order 2020 \(S.I. 2020/940\)](#), arts. 1(2), **2** (with art. 5)

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 41. (See end of Document for details)

Commencement Information

- I1** S. 41 in force at 1.4.2018 for specified purposes by [S.I. 2018/342, reg. 3\(1\)\(e\)](#)
- I2** S. 41 in force at 1.5.2018 for E.W.S. in so far as not already in force by [S.I. 2018/382, reg. 3\(g\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 41.