Data Protection Act 1998

1998 CHAPTER 29

PART VI

MISCELLANEOUS AND GENERAL

Information provided to Commissioner or Tribunal

58   Disclosure of information

No enactment or rule of law prohibiting or restricting the disclosure of information shall preclude a person from furnishing the Commissioner or the Tribunal with any information necessary for the discharge of their functions under this Act.

59   Confidentiality of information

(1) No person who is or has been the Commissioner, a member of the Commissioner's staff or an agent of the Commissioner shall disclose any information which—

   (a)   has been obtained by, or furnished to, the Commissioner under or for the purposes of this Act,

   (b)   relates to an identified or identifiable individual or business, and

   (c)   is not at the time of the disclosure, and has not previously been, available to the public from other sources,

unless the disclosure is made with lawful authority.

(2) For the purposes of subsection (1) a disclosure of information is made with lawful authority only if, and to the extent that—

   (a)   the disclosure is made with the consent of the individual or of the person for the time being carrying on the business,

   (b)   the information was provided for the purpose of its being made available to the public (in whatever manner) under any provision of this Act,

   (c)   the disclosure is made for the purposes of, and is necessary for, the discharge of—

        (i) any functions under this Act, or

        (ii) any Community obligation,

  (d)   the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under, or by virtue of, this Act or otherwise, or

  (e)   having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.

(3) Any person who knowingly or recklessly discloses information in contravention of subsection (1) is guilty of an offence.