



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 5

#### DIGITAL GOVERNMENT

### CHAPTER 4

#### FRAUD AGAINST THE PUBLIC SECTOR

#### **58 Confidentiality of personal information**

- (1) Personal information received by a person (“P”) under section 56 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 section 56),
  - (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,

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*Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 58. (See end of Document for details)*

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- (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 [<sup>F1</sup>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 [<sup>F2</sup>2 May 2022] the reference to [<sup>F3</sup>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 56 by the Revenue and Customs.

#### Textual Amendments

- F1** Words in s. 58(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. 58(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. 58(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**

#### Commencement Information

- I1** S. 58 in force at 1.5.2018 for E.W.S. by [S.I. 2018/382](#), **reg. 3(v)**

**Changes to legislation:**

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 58.