
STATUTORY INSTRUMENTS

1991 No. 760

The Census (Confidentiality) (Northern Ireland) Order 1991

Unlawful disclosure of information

3. In section 7 of the Census Act (Northern Ireland) 1969⁽¹⁾ (penalties for offences) the following subsections shall be substituted for subsections (4) and (5)—

“(4) If—

- (a) the Registrar General or any person who is—
 - (i) under his control, or
 - (ii) a supplier of services to him; or
- (b) any officer of the Department of Health and Social Services or any person acting on behalf of that Department; uses, without lawful authority, any personal census information or discloses, without such authority, such information to another person, he shall be guilty of an offence.

(5) If any person uses any personal census information which he knows has been disclosed in contravention of this Act or discloses such information to another person, he shall be guilty of an offence.

(6) It shall be a defence for a person charged with an offence under subsection (4) or (5) to prove—

- (a) that at the time of the alleged offence he believed—
 - (i) that he was acting with lawful authority; or
 - (ii) that the information in question was not personal census information; and
- (b) that he had no reasonable cause to believe otherwise.

(7) A person guilty of an offence under subsection (4) or (5) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(8) For the purposes of this section—

- (a) a person is to be treated as under the control of the Registrar General if he is, or has been—
 - (i) employed by the Registrar General (whether or not on a full-time basis); or
 - (ii) otherwise employed, or acting, (whether or not on a full-time basis) on behalf of, or as part of the staff of, the Registrar General for the purposes of this Act;
- (b) a person is to be treated as a supplier of services to the Registrar General if—

- (i) he supplies, or has supplied, any services to the Registrar General in connection with the discharge by the Registrar General of any of his functions; or
- (ii) he is, or has been, employed by such a supplier.

(9) In this section—

“census information” means any information which is—

- (i) acquired by any person mentioned in subsection (4) in the course of any work done by him in connection with the discharge of functions under section 2 or 4;
- (ii) acquired by any such person in the course of working, for purposes of section 5, with any information acquired as mentioned in sub-paragraph (i); or
- (iii) derived from any information so acquired; and

“personal census information” means any census information which relates to an identifiable person or household.”.