



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Obtaining computer-held information*

#### **161 Procuring disclosure of, and selling, computer-held personal information**

- (1) In section 5 of the Data Protection Act 1984 (prohibitions in relation to personal data, including disclosure), after subsection (5), there shall be inserted the following subsections—
  - “(6) A person who procures the disclosure to him of personal data the disclosure of which to him is in contravention of subsection (2) or (3) above, knowing or having reason to believe that the disclosure constitutes such a contravention, shall be guilty of an offence.
  - (7) A person who sells personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured the disclosure of the data to him.
  - (8) A person who offers to sell personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured or subsequently procures the disclosure of the data to him.
  - (9) For the purposes of subsection (8) above, an advertisement indicating that personal data are or may be for sale is an offer to sell the data.
  - (10) For the purposes of subsections (7) and (8) above, “selling”, or “offering to sell”, in relation to personal data, includes selling, or offering to sell, information extracted from the data.

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*Status: This is the original version (as it was originally enacted).*

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- (11) In determining, for the purposes of subsection (6), (7) or (8) above, whether a disclosure is in contravention of subsection (2) or (3) above, section 34(6) (d) below shall be disregarded.”.
- (2) In consequence of the amendment made by subsection (1) above—
- (a) in subsection (5) of that section, after the word “other” there shall be inserted the word “foregoing”; and
  - (b) in section 28 (exemptions: crime and taxation), in subsection (3)—
    - (i) after the words “section 26(3)(a) above” there shall be inserted the words “or for an offence under section 5(6) above”; and
    - (ii) after the words “to make” there shall be inserted the words “or (in the case of section 5(6)) to procure”.