

*These notes refer to the Proceeds of Crime Act 2002  
(c.29) which received Royal Assent on 24 July 2002*

# PROCEEDS OF CRIME ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 10: Information**

#### **England and Wales and Northern Ireland**

#### ***Section 436: Disclosure of information to Director***

578. *Section 436* enables information to be disclosed to the Director by a person (a ‘permitted person’) listed in *subsection (5)*. The reference to a constable in *subsection (5)(a)* will include any person with the powers of a constable including, for example, officers of the British Transport Police and the Ministry of Defence Police. Under *subsection (6)*, the Secretary of State will be able to add to the list of permitted persons by order which, by virtue of *section 459(6)(a)*, will be subject to approval by each House of Parliament. *Subsection (7)* narrows the designation power to specific functions; for example when designating the Secretary of State for Trade and Industry, the Secretary of State would be required to designate a relevant function within that department such as its insolvency function. *Subsections (8) and (9)* deal with information provided by the Commissioners of Inland Revenue and Commissioners of Customs and Excise. For information to be passed from either to the Director, the Commissioners, or a person to whom they have delegated the power to disclose, must authorise the disclosure. This is to ensure that there are safeguards in place to protect sensitive personal information held by both bodies.
579. Disclosures of information that contravene the Data Protection Act 1998, or are prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000, are not permitted (*subsection (3)*). It is also implicit that the provisions of the Human Rights Act 1998 would need to be taken into account before any disclosure is made by a permitted person or body.