

# **GENDER RECOGNITION ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 22: Prohibition on disclosure of information***

88. *Subsections (1) and (2)* establish that it is an offence for a person to disclose information he has acquired in an official capacity about a person's application for a gender recognition certificate or about the gender history of a successful applicant. This information is termed 'protected information' under this Act. *Subsection (3)* explains what is meant by 'an official capacity'.
89. *Subsection (4)* sets out exceptions to the general prohibition on disclosure. For example, disclosure will not constitute an offence where the person to be identified had consented to the disclosure or where the disclosure is for the purposes of proceedings before a court or tribunal. *Subsections (5) and (7)* make provision for the Secretary of State to prescribe further circumstances in which disclosure does not constitute an offence. *Subsection (6)* provides that this power is exercisable by the Scottish Ministers, rather than the Secretary of State, where the provision to be made is within the legislative competence of the Scottish Parliament.
90. *Undersubsection (8)*, a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.