

SCHEDULE 2

Regulation 4

PROVISIONS RELATING TO INFORMATION

1.—(1) The following are designated for the purposes of Article 61(1) of the Maintenance Regulation to provide the information referred to in Article 61(2) to the Central Authorities designated under paragraph 2 of Schedule 1—

- (a) the Secretary of State;
- (b) the Child Maintenance and Enforcement Commission;
- (c) the Commissioners for Her Majesty's Revenue and Customs;
- (d) the Department for Employment and Learning in Northern Ireland;
- (e) the Department of the Environment in Northern Ireland;
- (f) the Department of Finance and Personnel in Northern Ireland;
- (g) the Department for Social Development in Northern Ireland.

(2) The information to be supplied by the Secretary of State is limited to information held for functions relating to social security or employment or training.

2. Subject to the provisions of Chapter VII of the Maintenance Regulation, the persons and authorities to whom the Central Authorities transmit information in accordance with Article 62(1) of that Regulation may process that information in any manner necessary to facilitate the adjudication and recovery of maintenance claims.

3.—(1) Information referred to in Article 61(2) of the Maintenance Regulation which is received by a Central Authority, or by a person supplying services to a Central Authority, from a body or person designated under paragraph 1 cannot be disclosed to another person unless the disclosure is in connection with a function of the Central Authority under, and is in accordance with, Chapter VII of the Maintenance Regulation.

(2) Sub-paragraph (1) does not apply to—

- (a) the disclosure of information which is in the form of a summary or collection of information so framed as not to enable identification of any person from the information;
- (b) disclosure which is made in pursuance of an order of a court;
- (c) disclosure which is required by any other enactment.

4.—(1) Subject to sub-paragraph (3), a person who—

- (a) is or has been employed by a Central Authority designated under paragraph 2 of Schedule 1; or
- (b) provides or has provided services to such a Central Authority,

is guilty of an offence if he or she discloses, otherwise than in accordance with paragraph 3, information referred to in Article 61(2) of the Maintenance Regulation which has been obtained from a person or body designated under paragraph 1 and which relates to a person whose identity is specified in the information disclosed or can be deduced from it.

(2) It is a defence to prove that, at the time of the alleged offence, the person believed that he or she was making the disclosure lawfully in accordance with this Schedule and the Maintenance Regulation, and had no reasonable cause to believe otherwise.

(3) Sub-paragraph (1) does not apply to disclosure of information received by such a person—

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- (a) from the Department for Employment and Learning in Northern Ireland, the Department of the Environment in Northern Ireland, or the Department of Finance and Personnel in Northern Ireland;
 - (b) from the Secretary of State where the information so disclosed is held by the Secretary of State for the purposes of employment and training only.
5. A person found guilty of an offence under this Schedule shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both.