
STATUTORY INSTRUMENTS

2014 No. 3141

**The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014**

PART 4

Data Protection in relation to Police and Judicial Cooperation in Criminal Matters

CHAPTER 3

Miscellaneous

Unlawful obtaining etc. of personal data within the scope of this Part

49.—(1) This regulation applies in relation to personal data processed by a UK competent authority which falls within regulation 28(1).

(2) A person shall not knowingly or recklessly, without the consent of a UK competent authority—

(a) obtain or disclose personal data to which this regulation applies or the information contained in such data; or

(b) procure the disclosure to another person of the information contained in personal data.

(3) Paragraph (2) does not apply to a person who shows—

(a) that the obtaining, disclosing or procuring—

(i) was necessary for the purpose of preventing or detecting crime; or

(ii) was required or authorised by or under any enactment, by any rule of law or by the order of a court;

(b) that he acted in the reasonable belief that he had in law the right to obtain or disclose the data or information or, as the case may be, to procure the disclosure of the information to the other person;

(c) that he acted in the reasonable belief that he would have had the consent of the relevant UK competent authority if that authority had known of the obtaining, disclosing or procuring and the circumstances of it; or

(d) that in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.

(4) A person who contravenes paragraph (2) is guilty of an offence.

(5) A person who sells personal data is guilty of an offence if he has obtained the data in contravention of paragraph (2).

(6) A person who offers to sell personal data is guilty of an offence if—

(a) he has obtained the data in contravention of paragraph (2); or

(b) he subsequently obtains the data in contravention of that subsection.

(7) For the purposes of paragraph (6), an advertisement indicating that personal data are or may be for sale is an offer to sell the data.

(8) For the purposes of paragraphs (5) to (7), “personal data” includes information extracted from personal data.