

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 – Miscellaneous and General

Section 139 – Disclosure and sharing of information

308. **Section 139** makes provision on the disclosure to and sharing of information with a relevant authority. It provides a legal protection for those who disclose information to a relevant authority where the disclosure of information is necessary or expedient for the purposes of any provision of the Act, or any other enactment the purpose of which is in connection with, antisocial behaviour or its effects. However, a person disclosing information and relying on this protection will have to consider other potentially relevant rules of law.
309. Subsection (3) provides that where a person discloses information to a relevant authority under section 139 which is confidential, and where they inform the authority of the breach of that confidentiality on disclosing the information, the authority must respect that confidentiality. Subsection (4) provides an exception to this is in cases where the disclosure by the recipient is permitted or required by law.
310. Subsection (5) provides the interpretation of “relevant authority” in sections 139. For the purposes of this section a relevant authority is a local authority, a chief constable, the Principal Reporter, a registered social landlord, any authority administering housing benefit and other specified persons providing services relating to housing benefit. The Scottish Ministers have the power under subsection (7) to modify the meaning of “relevant authority” by order. This order making power is subject to affirmative resolution procedure.
311. Subsection (6) provides that any person providing or receiving information by virtue of this Act shall have regard to any relevant guidance from the Scottish Ministers.