



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 13

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **139 Disclosure and sharing of information**

- (1) Where subsection (2) applies, any person who, apart from this subsection—
  - (a) would not have power to disclose information to a relevant authority; or
  - (b) would be by virtue of any enactment (including subsection (3)) or rule of law susceptible to a sanction or other remedy if the person disclosed the information,shall have that power or shall not be susceptible to that sanction or remedy.
- (2) This subsection applies if the disclosure is necessary or expedient for the purposes of any provision of—
  - (a) this Act; or
  - (b) any other enactment the purpose of which is to make provision for or in connection with antisocial behaviour or its effects.
- (3) Subject to subsection (4), where—
  - (a) by virtue of subsection (1) a person discloses to a relevant authority information in respect of which the person is subject to a duty of confidentiality; and
  - (b) on disclosing the information, the person informs the authority of the breach of the duty,the authority shall not disclose the information.
- (4) Subsection (3) shall not prevent disclosure in any case where disclosure is permitted or required by virtue of any enactment or rule of law.
- (5) In subsections (1) and (3), “relevant authority” means—

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 139 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) a local authority;
  - [<sup>F1</sup>(b) the chief constable of the Police Service of Scotland;]
  - (c) the Principal Reporter;
  - (d) a registered social landlord;
  - (e) an authority administering housing benefit;
  - (f) a person providing services relating to housing benefit to, or authorised to discharge any function relating to housing benefit of—
    - (i) a local authority; or
    - (ii) an authority administering housing benefit.
- (6) Any person who, by virtue of this Act, must or may provide information or who provides or receives information for the purposes of any provision of this Act shall have regard to any relevant guidance given by the Scottish Ministers.
- (7) The Scottish Ministers may, by order, modify the meaning of “relevant authority” in subsection (5).

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#### **Textual Amendments**

- F1** S. 139(5)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 24\(9\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)