



2011 CHAPTER 22

Private tenancies

Disclosure of information

6 After Article 64 of the Private Tenancies Order insert—

“Disclosure of information for purposes of Parts 2 to 4

64A.—(1) This Article applies to any relevant information which is held—

- (a) by the Department of Finance and Personnel for the purposes of—
 - (i) its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006; or
 - (ii) the administration of housing benefit; or
- (b) by the Northern Ireland Housing Executive for the purposes of the administration of housing benefit.

(2) Relevant information to which this Article applies must, if an authorised officer of the appropriate council so requires, be supplied to that council for the purpose of enabling or assisting that council to exercise its functions under any provision of Part 2, 3 or 4.

(3) Any requirement under paragraph (2) must specify—

- (a) the description of relevant information which is to be supplied;
- (b) the form in which that information is to be supplied; and
- (c) the date by which that information is to be supplied.

(4) This Article—

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011, Section 6. (See end of Document for details)

- (a) does not limit the circumstances in which information may be supplied apart from this Article; but
 - (b) has effect despite any restriction on the purposes for which relevant information may be disclosed or used.
- (5) In this Article—
- “authorised officer”, in relation to a council, means an officer of the council authorised for the purposes of this Article by the council;
 - “housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - “relevant information” means information as to—
 - (a) the location, age, size or description of a dwelling-house let under a private tenancy;
 - (b) the name and address of the landlord or tenant of such a dwelling-house or of any person acting as an agent of the landlord.

Unauthorised disclosure of information

64B.—(1) An employee of a council commits an offence if he discloses without lawful authority any information—

- (a) which he acquired in the course of his employment;
- (b) which is, or is derived from, information supplied to the council under Article 64A; and
- (c) which relates to a particular dwelling-house or person.

(2) It is not an offence under this Article to disclose information which has previously been disclosed to the public with lawful authority.

(3) It is a defence for a person charged with an offence under this Article to show that at the time of the alleged offence—

- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
- (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(4) A person who is guilty of an offence under this Article shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

Changes to legislation: *There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011, Section 6. (See end of Document for details)*

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) For the purposes of this Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made—

- (a) in accordance with his official duty by an employee of the council;
- (b) in accordance with any statutory provision or order of a court;
- (c) for the purposes of any criminal proceedings; or
- (d) with the consent of the person to whom the information relates.”.

Changes to legislation:

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