



Education (Scotland) Act 1996

1996 CHAPTER 43

[^{F1}PART II

EDUCATION FOR CHILDREN UNDER SCHOOL AGE]

Textual Amendments

F1 Pt. II (ss. 23-27) repealed (S.) (1.4.2002) by 2000 asp 6, s. 39; S.S.I. 2002/72, art. 2(2)

[^{F2}26 Disclosure of information.

- (1) This section applies to—
 - (a) civil servants in the Scottish Office and any other persons who carry out the administrative work of that Office, and
 - (b) any person exercising any function by virtue of section 25 of this Act and any persons who are employed by (or are directors or other officers of) any such person or who carry out the administrative work of any such person.
- (2) The Secretary of State may supply to any person to whom this section applies any such social security information as the person may require for or in connection with the exercise of any function in pursuance of section 23 of this Act.
- (3) Any person who is or has been a person to whom this section applies is guilty of an offence if, without lawful authority, he discloses any social security information relating to a particular person which he acquired while acting as a person to whom this section applies.
- (4) It is not an offence under subsection (3) above—

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1996, Part II. (See end of Document for details)

- (a) to disclose social security information in the form of a summary or collection of information so framed as not to enable social security information relating to any particular person to be ascertained from it; or
 - (b) to disclose any social security information which has previously been disclosed to the public with lawful authority.
- (5) It is a defence for a person charged with an offence under subsection (3) above to prove 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.
- (6) For the purposes of this section, a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) by a person in accordance with his official duty as a civil servant;
 - (b) by any other person either—
 - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
 - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
 - (c) in accordance with any enactment or order of a court;
 - (d) for the purposes of instituting, or otherwise for the purposes of, any proceedings before a court; or
 - (e) with the consent of the person to whom the information relates or of any person authorised to act on his behalf.
- (7) A person guilty of an offence under subsection (3) above is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (8) In this section—
- “person responsible” means the [^{F3}Scottish Ministers] or any person authorised by the [^{F3}Scottish Ministers]; and
 - “social security information” means information which—
 - (a) is of a description prescribed by regulations made by the Secretary of State, and
 - (b) was obtained by reason of the exercise by the Secretary of State of any of his functions under the ^{M1}Social Security Contributions and Benefits Act 1992 or the ^{M2}Social Security Administration Act 1992.]

Textual Amendments

F2 Pt. II (ss. 23-27) repealed (S.) (1.4.2002) by 2000 asp 6, s. 39; S.S.I. 2002/72, art. 2(2)

F3 Words in the definition of "person responsible" in s. 26(8) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 125

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1996, Part II. (See end of Document for details)

Marginal Citations

M1 1992 c. 4.

M2 1992 c. 5.

Changes to legislation:

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