



Health Act 2006

2006 CHAPTER 28

PART 4

THE NATIONAL HEALTH SERVICE

CHAPTER 3

PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

Offences

53 Offences relating to disclosure or use of information

- (1) A person commits an offence if he fails to comply with section 50(2) or (5) or section 51(2).
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding the statutory maximum, or to both.
- (3) It is a defence for a person charged with an offence under subsection (1) in respect of a disclosure of information to prove that at the time of the alleged offence—
 - (a) any of the circumstances in subsection (4) applied, or
 - (b) he reasonably believed that they applied.
- (4) The circumstances referred to in subsection (3) are—
 - (a) that the disclosure was lawful,
 - (b) that the information had already been lawfully made available to the public,
 - (c) that the disclosure was necessary or expedient for the purpose of protecting the welfare of any individual,

Status: *This is the original version (as it was originally enacted).*

- (d) that the disclosure was made in a form in which no person to whom the information relates is identified.
- (5) Subsection (4)(d) is not satisfied if the identity of any such person can be ascertained either—
- (a) from the information itself, or
 - (b) from that information taken with other information obtained by virtue of section 46 or 47 and disclosed by or on behalf of the appropriate national authority.