



Prisons (Interference with Wireless Telegraphy) Act 2012

2012 CHAPTER 20

3 Retention and disclosure of information obtained under section 1

- (1) Information obtained by virtue of section 1 must be destroyed no later than 3 months after it was obtained unless the person in charge of the relevant institution has authorised its retention.
- (2) The person in charge of a relevant institution may not give an authorisation under subsection (1) unless satisfied—
 - (a) that the retention of the information is necessary on one or more of the grounds specified in subsection (8), and
 - (b) that the retention is proportionate to what is sought to be achieved by it.
- (3) Where information is retained under subsection (1) the person in charge of the relevant institution must review, at intervals of not more than 3 months, whether its retention remains in accordance with that subsection.
- (4) If, on a review under subsection (3), the person in charge of the relevant institution is not satisfied that the retention of information remains in accordance with subsection (1), that person must arrange for the information to be destroyed.
- (5) Information obtained by virtue of section 1(2)(b) may be disclosed to—
 - (a) an officer of the relevant institution;
 - (b) an employee authorised for the purposes of this section by the person in charge of the institution;
 - (c) the Secretary of State;
 - (d) if the relevant institution is in Scotland, the Scottish Ministers.
- (6) Information obtained by virtue of section 1(2)(b) may not be disclosed to any other person unless the person in charge of the relevant institution has authorised its disclosure.
- (7) An authorisation under subsection (6) may be given only where the person in charge of the relevant institution is satisfied that—

Changes to legislation: Prisons (Interference with Wireless Telegraphy) Act 2012, Section 3 is up to date with all changes known to be in force on or before 02 August 2023. 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

- (a) the disclosure is necessary on one or more of the grounds specified in subsection (8), and
 - (b) the disclosure is proportionate to what is sought to be achieved by it.
- (8) The specified grounds are—
- (a) the interests of national security,
 - (b) the prevention, detection, investigation or prosecution of crime,
 - (c) the interests of public safety,
 - (d) securing or maintaining security or good order and discipline in the relevant institution,
 - (e) the protection of health or morals.
- (9) An authorisation under this section must be in writing.

Modifications etc. (not altering text)

- C1** S. 3 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Prisons \(Interference with Wireless Telegraphy\) \(Guernsey\) Order 2018 \(S.I. 2018/545\)](#), art. 2, **Sch.**
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Commencement Information

- I1** S. 3 in force at 21.10.2013 for E.W. by S.I. 2013/2460, **art. 3**
- I2** S. 3 in force at 3.3.2014 for S. by S.I. 2014/34, **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(5) words inserted by [2018 c. 32 Sch. para. 3\(2\)](#)
- s. 3(6) words inserted by [2018 c. 32 Sch. para. 3\(2\)](#)

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. 1(2A)-(2C) inserted by [2018 c. 32 s. 1\(2\)](#)
- s. 1(6A) inserted by [2018 c. 32 s. 1\(6\)](#)
- s. 2(3A) inserted by [2018 c. 32 Sch. para. 2\(2\)](#)
- s. 2(4A)-(4C) inserted by [2018 c. 32 Sch. para. 2\(4\)](#)
- s. 3(10) inserted by [2018 c. 32 Sch. para. 3\(3\)](#)