

Number 25 of 1988

DATA PROTECTION ACT, 1988

AN ACT TO GIVE EFFECT TO THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA DONE AT STRASBOURG ON THE 28TH DAY OF JANUARY, 1981, AND FOR THAT PURPOSE TO REGULATE IN ACCORDANCE WITH ITS PROVISIONS THE COLLECTION, PROCESSING, KEEPING, USE AND DISCLOSURE OF CERTAIN INFORMATION RELATING TO INDIVIDUALS THAT IS PROCESSED AUTOMATICALLY.

[13th July, 1988]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Miscellaneous

(...)

Disclosure of personal data obtained without authority.

22. —(1) A person who—

(*a*) obtains access to personal data, or obtains any information constituting such data, without the prior authority of the data controller or data processor by whom the data are kept, and

(*b*) discloses the data or information to another person,

shall be guilty of an offence.

(2) *Subsection (1)* of this section does not apply to a person who is an employee or agent of the data controller or data processor concerned.

(...)

Penalties. **31.** —(1) A person guilty of an offence under this Act shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,000, or

(*b*) on conviction on indictment, to a fine not exceeding £50,000.

(2) Where a person is convicted of an offence under this Act, the court may order any data material which appears to the court to be connected with the commission of the offence to be forfeited or destroyed and any relevant data to be erased.

(3) The court shall not make an order under *subsection (2)* of this section in relation to data material or data where it considers that some person other than the person convicted of the offence concerned may be the owner of, or otherwise interested in, the data unless such steps as are reasonably practicable have been taken for notifying that person and giving him an opportunity to show cause

why the order should not be made.

(4) Section 13 of the Criminal Procedure Act, 1967 , shall apply in relation to an offence under this Act that is not being prosecuted summarily as if, in lieu of the penalties provided for in subsection (3) (a) of that section, there were specified therein the fine provided for in *subsection (1) (a)* of this section and the reference in subsection (2) (a) of the said section 13 to the penalties provided for by subsection (3) shall be construed and have effect accordingly.

(...)