

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 19 October 2009

Public Authority: Home Office
Address: Seacole Building
2 Marsham Street
London
SW1P 4DF

Summary

The complainant requested information regarding a breeding and supply centre based in Vietnam that supplied non-human primates to the UK for use in experiments and other scientific procedures. The Home Office refused to disclose the information on the basis that the exemptions at sections 38, 40, 41 and 44 of the Act were engaged. During the course of the Commissioner's investigation, some information was disclosed. The Home Office argued that some of the remaining information was outside of the scope of the original request and the Commissioner agreed with this view.

The Commissioner found that the remaining information was exempt under section 44 of the Act. As section 44 is an 'absolute' exemption, there was no requirement to determine whether the public interest in maintaining the exemption outweighed the public interest in disclosure. As the Commissioner is satisfied that the withheld information is exempt, he does not require the Home Office to take any further steps in relation to this request.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. This case stems from the Secretary of State's decision to allow a particular company to export animals from an establishment in Vietnam to the UK for use in scientific and other procedures.

3. The Animals (Scientific Procedures) Act 1986 ('the ASPA') provides for the Home Office, on behalf of the Secretary of State, to regulate the use of any animal that comes into the UK for use in scientific and other procedures.
4. Under the provisions of the ASPA, the Home Office is able to determine whether non-designated sources of animals (those that do not have a certificate from the Secretary of State designating them as a breeding or supply establishment) should be able to supply animals for use in UK laboratories.

The Request

5. On 2 October 2006, the complainant wrote to the Home Office drawing its attention to a new report (*Monkey Business; The factory farming of monkeys for the UK research industry*) regarding primate breeding centres in Vietnam. The complainant was concerned at conditions at the establishments and asked the Home Office to comment on the recommendations contained in the report. The Home Office provided a response to the complainant on 30 October 2006.
6. The complainant wrote to the Home Office on 10 November 2006 expressing concerns about conditions at a specified breeding and supply centre known as Nafovanny, in Vietnam. In particular, the complainant noted that the Home Office had, in its letter of 30 October 2006, stated that it had identified concerns about conditions at the establishment in the spring of 2005 but had, following receipt of evidence and reassurances about improvements that had been made, allowed it to continue to export animals to the UK.
7. The complainant requested answers to seven specific questions relating to the evidence and reassurances received by the Home Office. The full request is set out here:
 - "1. From your response, it seems that Nafovanny was not re-approved as a result of visit by HO inspectorate but upon "additional reassurances and evidence". What was the exact nature and source of the "additional reassurances and evidence" and on what basis are you confident that these are: a) independent and b) reliable and reflect a true and accurate account of the conditions at the farm?
 2. Did these reassurances address each of the individual breaches of the IPS guidelines ... identified in [the] "Monkey Business" report and guarantee that the guidelines were now being met?
 3. Are you willing to make this evidence (with the minimum necessary redactions) available to [the complainant]?
 4. Were the HO aware of the presence of the satellite farm that supplied the main Nafovanny main farm at Bing Long district? If so, did the HO consider conditions at this farm and have reassurances been given that conditions at this farm have also improved?

5. *Do either of the supply farms appear in the "audit trail" to which you refer regarding Nafovanny's primates' captive-bred status and what confidence can we have that it is robust?*
6. *On what grounds was the decision made to allow Nafovanny to continue supplying the UK for a period despite the recognition that conditions were unsatisfactory? In particular, were "the legitimate requirements of science and industry" (to quote the APC) determining factors.*
7. *Finally, you refer in your letter to "complex legal issues" regarding WTO and "European Community law" which would be raised by a ban on primate importation from countries with indigenous populations. Could you please be more specific about which rules and laws you are referring to?"*
8. On 20 November 2006 the Home Office responded to the complainant and stated that it was dealing with the seven questions as a request for information and that it would be handled in accordance with the provisions of the Act. It stated that the complainant should receive a response by 11 December 2006.
9. On 14 February 2007 the Home Office issued its substantive response. It refused to disclose the source of the evidence and reassurances regarding improved standards (question one of the request) and applied the exemptions provided by sections 38 and 40 of the Act. It refused to disclose the actual evidence it had received (question three) and applied the exemption to disclosure provided by section 41 of the Act. The Home Office explained the purpose of the audit trail (question five) but stated that it did not hold any information on the operation of the breeding and supply centre to which the complainant referred or any other such facilities in Vietnam. The Home Office covered other issues in its response but the present complaint made to the Commissioner relates to questions one, three and five only (see paragraph 12, below).
10. On 8 March 2007 the complainant wrote to the Home Office and asked it to review its decision "*insofar as it declines to disclose information held by the Home Office*".
11. On 12 April 2007 the Home Office wrote to the complainant with the findings of its internal review. The findings were that the source of the evidence (question one) was correctly withheld by virtue of the exemptions provided by sections 38 and 40 of the Act. The Home Office also found that the evidence itself (question three) was correctly withheld by virtue of the exemption contained in section 41 of the Act. It also introduced a further exemption and applied section 44(1)(a) of the Act to the evidence held, stating that that the relevant statutory bar was section 24(1) of the ASPA. The Home Office did not address the audit trail (question five).

The Investigation

Scope of the case

12. On 30 May 2007 the complainant brought this matter to the Commissioner and specifically asked him to consider the following points:
- The failure of the Home Office to disclose the “*evidence provided to, and retained by, the Home Office of the alleged improved standards at the two main Nafovanny centres*” (question three of the request of 10 November 2006).
 - The failure of the Home Office to disclose the identity of the third party source (question one of the request of 10 November 2006).
 - The failure of the Home Office to disclose the audit trail (question five of the request of 10 November 2006).

The complainant clarified that it did not want to pursue further information relevant to the other four questions that formed the request and that the complaint related only to the three questions highlighted above.

13. During the course of the Commissioner’s investigation, question one was resolved informally and is not therefore addressed in this Notice:
- In its complaint to the Commissioner, the complainant clarified that it did not want to know the name of the source that provided the evidence to the Home Office but rather the category into which the source fell, i.e. the type of organisation that provided the evidence. The Home Office wrote to the complainant to clarify that in addition to information and advice from the Animals (Scientific Procedures) Inspectorate, its sources fell into two categories; one was a “*UK establishment which uses primates in procedures regulated under the Animals (Scientific Procedures) Act 1986*” and the other was “*an organisation supplying, breeding and transporting primates*”. On 16 June 2009 the complainant informed the Commissioner that, following the Home Office’s disclosure of the sources of the evidence, this aspect of the complaint had been resolved.

Chronology

14. The Commissioner wrote to the Home Office on 3 December 2008 to ask it to explain its position in this matter and at the same time wrote to the complainant to inform it that the complaint had been allocated to a caseworker. The Home Office did not receive this letter and it was resent on 7 January 2009.
15. On 20 March 2009, the complainant asked the Commissioner for an update on any progress made with the investigation and commented on the Court of Appeal decision in *BUAV v Home Office and Information Commissioner [2008] EWCA Civ 870 (30 July 2008)*.

16. The Home Office wrote to the Commissioner on 22 March 2009 and stated that it was not in a position to provide a substantive response to the points raised in his letter of 3 December 2008. The Home Office did say that, in respect of the request regarding the audit trail (question five), it considered it had complied with its obligations under the Act.
17. The Commissioner wrote to the Home Office on 30 April 2009 and stated that, in the absence of its substantive response to the questions he had asked in his letter of 3 December 2008 (resent 7 January 2009) by 7 May 2009, his intention was to issue an Information Notice under section 51 of the Act.
18. The Home Office provided the Commissioner with copies of the withheld information (evidence on conditions and standards at the supply centre) on 5 May 2009 and issued its substantive response on 12 May 2009.
19. The Commissioner wrote to the Home Office on 22 May 2009, with specific reference to the Court of Appeal decision *BUAV v Home Office and Information Commissioner [2008] EWCA Civ 870 (30 July 2008)* and asked it to provide further evidence to support its application of the exemption under section 44 of the Act. The Home Office responded on 19 June 2009.

Analysis

Substantive Procedural Matters

Interpretation of the request

20. In his letter to the Home Office of 3 December 2008 the Commissioner asked it to clarify its position in relation to question five (the audit trail) of the complainant's request of 10 November 2006. The audit trail related to the captive bred status of the animals supplied by Nafovanny; i.e. whether they were born in the wild or in captivity, and it comprised an individual record specific to each animal supplied to the UK.
21. On 22 March the Home Office wrote to the Commissioner and stated that, in relation to question five, it believed it had fulfilled its duties under the Act. The Home Office's position was that question five of the request asked for information regarding an audit trail. It did not specifically ask for disclosure of the audit trail but asked whether certain supply farms appeared in the audit trail and what confidence the complainant could have that it was robust. The Home Office stated that it had responded to the specific question asked of it regarding the supply farms and provided background information about the audit trail.
22. On 16 April 2009, the Commissioner put the Home Office's views to the complainant.
23. The complainant responded on 16 April 2009 and argued that, since the Home Office's refusal notice of 14 February 2007, the case had proceeded on the basis

that the whole audit trail fell within the scope of the request. Given the time that had passed since the notice, the complainant considered it inappropriate of the Home Office to suggest that it did not. The complainant also stated that if the Home Office had been unclear about the nature of the request it had a duty, under section 16 of the Act, to offer advice and assistance and to clarify the request.

24. The Commissioner's view was that question five of the request could be split into two parts. The first part asked whether certain supply farms appeared in the audit trail and the Home Office clarified that it held no information on those establishments. The second part asked what confidence the complainant could have that the audit trail was robust. The Commissioner's view is that the audit trail itself did not fall within the scope of the request, and that the Home Office's interpretation of that part of the request was therefore correct. Taking into account the fact that the complainant was clearly able to form specific requests, the Commissioner is of the view that it would have been able to clearly state that it was seeking disclosure of the audit trail itself if that had been its intention.
25. However, during his investigation the Commissioner formed the view that the Home Office should have given greater consideration to whether it held information that could have provided the complainant with confidence that the audit trail was robust. Consequently, on 14 October 2009 the Home Office wrote to the complainant with an explanation of information it receives from overseas centres wishing to supply non-human primates to UK users and the reviews and assessments it conducts as part of a staged assessment of suitability. The Home Office also disclosed three documents to supplement its explanation. The Commissioner is therefore satisfied that the Home Office has now fulfilled its obligations under the Act to provide information relating to evidence of the robust nature of the audit trail.

Exemptions

26. As question one of the request (sources of evidence) was resolved informally during the Commissioner's investigation and the matter of the interpretation of question five (the audit trail) was deemed by the Commissioner to have been clarified and addressed, the remainder of this notice and the assessment of the exemptions applied by the Home Office relates to question three (the evidence provided to the Home Office about conditions and standards at the supply centre).

Section 44 – prohibition of disclosure

27. Section 44(1) states that:

“Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment,

(b) is incompatible with any Community obligation, or

(c) would constitute or be punishable as a contempt of court.”

28. The exemption is absolute and there is no need to consider the public interest in disclosure against the public interest in withholding the information.

The Home Office's position

29. The Home Office argued that the evidence provided to it regarding standards and conditions at the breeding and supply centre was exempt under section 44(1) and relied on the prohibition contained in the ASPA (see paragraph three above).

30. Section 24(1) of the ASPA states that:

“A person is guilty of an offence if otherwise than for the purpose of discharging his functions under this Act he discloses any information which has been obtained by him in the exercise of those functions and which he knows or has reasonable grounds for believing to have been given in confidence.”

31. The Home Office argued that section 24(1) of the ASPA was engaged because:

- The evidence received by the Home Office was obtained for the purposes of exercising its functions (delegated from the Secretary of State) under the ASPA, and
- The Home Office officials receiving the evidence had reasonable grounds to believe that the information was given in confidence.

32. The Home Office stated that section 10(3) of the ASPA provides that, unless the Secretary of State considers that an exemption is justified, non-human primates used in scientific procedures under the authority of a project licence must have been obtained from a designated establishment in the UK. Section 7 of the ASPA defines designated establishments.

33. The supply centre that was the focus of the complainant's request was not a designated establishment and the Secretary of State therefore needed to determine that an exemption was justified in order for non-human primates supplied by the centre to be used in scientific procedures in the UK.

34. Chapter eight of the Home Office guidance on the operation of the ASPA (<http://www.archive.official-documents.co.uk/document/hoc/321/321-08.htm>) explains that such exemptions are normally considered in circumstances when suitable animals are not available from other designated sources. The position of the Home Office was that in order for the Secretary of State to exercise his discretionary powers he must have been satisfied that there were no suitable animals available from designated sources and that the proposed non-designated source operated to a suitable standard. The Home Office stated that, in this case, there were no suitable animals available from other designated sources.

35. The view of the Home Office was that the information it received regarding standards at the non-designated source formed part of the evidence it used to make a decision regarding the justification of the exemption; i.e. it helped it to decide whether conditions were acceptable. The Home Office believed that the first part of section 24(1), regarding information being obtained for the purpose of exercising a function under the ASPA, was satisfied.
36. The Home Office also argued that the evidence it received was provided in confidence. It referred to the Court of Appeal decision *BUAV v Home Office and Information Commissioner [2008] EWCA Civ 870 (30 July 2008)* in which the Court set down an interpretation of section 24 of the ASPA and reviewed the Information Tribunal's reading of that section. Although that decision related to project licences rather than the type of information relevant to this case, the Home Office stated its belief that the Court of Appeal's statements about section 24 of the ASPA were directly relevant.
37. The Home Office pointed to the Court of Appeal's comment, "...that in interpreting section 24 of the ASPA, we must consider it in the context of the 1986 Act and not through the spectacles of the later FOIA". The Home Office's view was that that this demonstrated that the conditions to be met when properly applying section 41(1)(a) of the Act are not the same as those relevant to section 24 of the ASPA.

The complainant's position

38. The complainant's view was that the withheld information was neither obtained by the Home Office for the purpose of discharging a function under the ASPA nor provided in confidence and that it should therefore be disclosed.
39. The complainant pointed out that the Court of Appeal Decision dealt with information given by applicants for project licences to conduct animal experiments under ASPA. The complainant accepted that the "*ratio has wider application than information in project licences and would extend to other situations where information is given to the Home Office by its owner to enable the Home Office to exercise its functions under ASPA*", but it stated that section 24 could not, in its submission, apply where the information is not owned by the person providing it and does not relate to the Home Office's functions under ASPA "*concerning the actual or proposed supply or use of animals*" by that person.
40. In this case the information supplied about the supply centre was provided by two organisations and the complainant's view appears to be that the information was not owned by those parties and could not have therefore been provided in confidence. The complainant argued that because, in its view, the information did not belong to the third parties but rather the supply centre in question, it did not relate to the third parties' actual or proposed supply of animals or use of animals under the ASPA.
41. The complainant pointed to paragraph 35 of the Court of Appeal decision in which, in relation to section 24 of the ASPA, it stated "*the emphasis is limiting the use of the information, for the protection of the [license] applicant*". The

complainant stated that *“a third party who does not own information neither needs nor deserves protection in relation to it, particularly where it does not relate to his actual proposed supply or use of animals under ASPA”*.

42. The complainant also stated that section 24 of the ASPA only applies to information that the Home Office receives in the exercise of its functions under ASPA and that there must be a correlation between the exercise of those functions by the Home Office and *“a legitimate interest of the provider in the information being protected”*.
43. In addition, the complainant stated its belief that in this case the third party who provided the information to the Home Office had threatened to sue should the information be disclosed. The complainant's view was that the third party could not take such action because it would suffer no loss as a result of disclosure because the information *“is not his and does not relate to his proposed or actual supply or use of animals under ASPA”*.

The Commissioner's position

44. In his consideration of the views of both the Home Office and the complainant and in determining whether the exemption provided by section 44(1)(a) of the Act is engaged, the Commissioner considered whether the section 24 of the ASPA was applicable. For section 24 of the ASPA to apply the Commissioner considered that the following three conditions, as set out in Decision Notice FS50088298, must have been satisfied:
 - Disclosure would not have discharged a function of the ASPA.
 - The information must have been obtained by the Home Office in the exercise of its functions under the ASPA
 - The Home Office must have known, or had reasonable grounds to believe, that the information was given in confidence.

Would disclosure discharge a function of the ASPA?

45. The Commissioner does not consider that disclosure of the information under the Act would constitute the discharge of a function under the ASPA.

Was the evidence obtained in the exercise of functions under the ASPA?

46. The Home Office has already clarified to the Commissioner and the complainant that one of the sources (for the purposes of this notice referred to as 'source one') was a *“UK establishment which uses primates in procedures regulated under the Animals (Scientific Procedures) Act 1986”* and the other ('source two') was an *“organisation supplying, breeding and transporting primates”*. Each of the two sources provided one piece of evidence to the Home Office in the form of a written report. The Home Office was also shown video footage by one of the sources but the Home Office has stated that it does not hold a copy of that footage. This has not been contested by the complainant.

47. The Commissioner is satisfied that the requested information was obtained by the Home Office in the exercise of its functions under the ASPA. In arriving at his decision, the Commissioner referred to the wording of section 24(1) of the ASPA and the Home Office guidance on the operation of the ASPA.
48. In exercising duties delegated by the Secretary of State, the Home Office clearly believed that an exemption to section 10(3) of the ASPA should be considered because there were no suitable animals available from designated sources.
49. In line with its guidance on the operation of the ASPA, in order to establish that the exemption was justified the Home Office needed to determine that that the non designated source (the supply centre in Vietnam) operated to a suitable standard. To enable it to make a decision on this matter the Home Office gathered information from external sources (as well as receiving advice from its own Animals (Scientific Procedures) Inspectorate) and this was the information requested by the complainant.
50. The Commissioner is therefore satisfied that the information was obtained by the Home Office for the purposes of the exercise of its functions under section 10(3) of the ASPA.

Did the Home Office know, or have reasonable grounds to believe, that the information was given in confidence?

51. The Commissioner's position is that the Court of Appeal decision *BUAV v Home Office and Information Commissioner [2008] EWCA Civ 870 (30 July 2008)* is relevant to this case insofar as it sets out an interpretation of section 24 of the ASPA. In particular, the Court of Appeal decision was that, when determining whether information was given in confidence, the key issue was to examine the state of mind of the official in possession of the information; i.e. did he know or have reasonable grounds to believe that the intention of the provider of the information was to supply it in confidence (paragraph 30 of the Court of Appeal decision).
52. In paragraph 31 of its decision, the Court of Appeal determined that there was nothing "*in the statutory language or the context (or in the Parliamentary materials to which we were referred) to justify importing a separate, objective test derived from the law of confidentiality*" and that the "*Coco tests*" were not relevant to determining the expectation of confidentiality when considering section 24 of the ASPA. The Court's decision regarding the use of the "*Coco tests*" was acknowledged by both the Home Office and the complainant in their submissions to the Commissioner.
53. The Commissioner noted that source one was consulted at the time of the complainant's request and it provided a clear statement to the Home Office in which it said the evidence was given in "*absolute confidence*" and on the understanding "*that no part of it would be made available through any medium to third parties*". The statement also said that the individual who supplied the report to the Home Office was also "*very clear that the recipients fully understood this*

explicit confidentiality agreement'. The statement was dated 30 January 2007 and, although it is not contemporaneous in that it is dated over a year after the report was submitted in November 2005, it does indicate that the source's view is consistent with that of the Home Office.

54. The Commissioner's opinion is that the report provided by source one does contain information about the operation of the supply centre in terms of its practices and facilities and offers opinion on such matters. He also notes that this report has not been seen by the supply centre.
55. The report provided by source two provides further detailed information on the operation of the supply centre, including commercially sensitive information. There is no explicit accompanying statement from source two to indicate that there was an expectation of confidentiality but the nature of the information is clearly sensitive to the operation of the supply centre.
56. Taking into account the Court of Appeal's decision regarding the interpretation of section 24 of the ASPA, the Commissioner disagrees with the complainant's view regarding the ownership of information and has viewed the more straightforward interpretation set out by the Court. His opinion is that it would be a reasonable assumption that the Home Office official who received the information would have either known, or had reasonable grounds to believe, that it was given in confidence.
57. It is on this basis that the Commissioner believes that section 44(1)(a) of the Act is engaged, through the provisions of section 24 of the ASPA, and that the Home Office was correct to refuse to disclose the evidence provided by the two organisations. As section 44 is an absolute exemption there is no need to consider the public interest test.

Other exemptions claimed

58. The Commissioner notes that the Home Office also sought to rely on sections 38, 40 and 41 in relation to the withheld information. As the Commissioner is satisfied that the information is exempt by virtue of section 44 he is not required to make a decision relating to the Home Office's application of the other exemptions in this case.

Procedural Requirements

59. Section 1(1)(b) of the Act requires a public authority to provide information to an applicant in response to a request. Section 10 of the Act states that a public authority must comply with section 1(1) promptly; and in any event not later than twenty working days after the request has been received. The Commissioner notes that the Home Office provided a substantive response to the complainant's request on 14 February 2007, providing some of the information he requested. Further information was disclosed during the course of the Commissioner's investigation. This information was provided outside of the statutory time limit, therefore the Commissioner finds that PA failed to comply with sections 1(1)(b) and 10(1) in relation to this information.

60. The Home Office also breached section 17(1) by failing to issue a refusal notice within the statutory timescale.

The Decision

60. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:

- The public authority was correct to refuse to disclose the evidence it received from two sources regarding conditions and standards at the breeding and supply centre on the basis that it was exempt by virtue of section 44(1)(a) of the Act.

61. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- The public authority breached sections 1(1)(b), and 10(1) by failing to disclose information within the statutory timescale and section 17(1) by failing to issue a refusal notice within the statutory timescale.

Steps Required

62. The Commissioner requires no steps to be taken.

Other matters

63. Although it does not form part of this Decision Notice the Commissioner wishes to highlight the following matter of concern:

64. The Commissioner first wrote to the Home Office on 3 December 2008 to ask for an explanation of its position in this matter and to clarify its application of the exemptions to disclosure provided by the Act. The first letter was lost in transit and a copy was provided to the Home Office on 7 January 2009. The Home Office did not provide its substantive response to the Commissioner until 12 May 2009 and after the Commissioner indicated that further delay would result in the issue of an Information Notice.

65. During his investigation the Commissioner wrote to the Home Office to clarify whether it held further information in relation to the robust nature of the audit trail (question five of the complainant's request). The Commissioner contacted the Home Office on 11 August 2009 to clarify whether it held any further relevant information but the Home Office did not provide its substantive response until 14 October 2009.

66. The Commissioner is concerned at the length of time taken by the Home Office to provide responses to his enquiries and hopes that in the future his correspondence will be dealt with in a timelier manner.

Right of Appeal

67. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 19th day of October 2009

Signed

**Anne Jones
Assistant Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

The Freedom of Information Act 2000

Section 1(1) provides that –

“Any person making a request for information to a public authority is entitled -

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 17(1) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

The Animals (Scientific Procedures) Act 1986

Section 24(1) provides that –

“(1) A person is guilty of an offence if otherwise than for the purpose of discharging his functions under this Act he discloses any information which has been obtained by him in the exercise of those functions and which he knows or has reasonable grounds for believing to have been given in confidence.”