

# Legal considerations

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The public release of police-held information is subject to a strict legal framework. Police forces must ensure that:

- the publication of police-held information is lawful, necessary and proportionate
- there is a legitimate policing aim, such as protecting the public, preventing or detecting crime, ensuring public safety or encouraging witnesses to come forward
- the level of information published is balanced and commensurate to the intended purpose

For further information, go to: [Police Information and Records Management Code of Practice](#).

## Automatic reporting restrictions

Automatic reporting restrictions are laws that prevent the publication of certain details about criminal proceedings, in order to protect fair trials or vulnerable individuals. They apply without needing a specific court order and can only be lifted when the circumstances requiring them no longer apply or at the discretion of the court. The following are relevant to police release of information and media reporting.

### Children and Young Persons Act 1933 and Youth Justice and Criminal Evidence Act 1999

Anyone under the age of 18 years involved in youth court proceedings has automatic anonymity under [section 49 of the Children and Young Persons Act 1933](#), whether they are defendants, witnesses or victims. The court can impose a discretionary anonymity order under [section 45 of the Youth Justice and Criminal Evidence Act 1999](#) for defendants, witnesses or victims under the age of 18 years who are involved in proceedings in the adult court.

### Sexual Offences (Amendment) Act 1992

Victims of sexual offences have lifetime anonymity, which extends beyond names to any identifying detail. The anonymity can be modified or removed by a court if it is in the public interest or if the victim provides informed consent in writing. While victims over 16 years can waive their anonymity,

those under 16 years cannot.

## Modern Slavery Act 2015

[Section 2 of the Modern Slavery Act 2015](#) provides for automatic and lifelong anonymity for victims of modern slavery.

## Female Genital Mutilation Act 2003

The [Female Genital Mutilation Act 2003 Section 4A and Schedule 1](#) provides anonymity for individuals against whom a female genital mutilation offence is alleged to have been committed.

## Education Act 2002

Any allegations made by a pupil (or on their behalf) against a teacher carry automatic reporting restrictions under [Section 141F of the Education Act 2002](#).

## Contempt of Court Act 1981

The Contempt of Court Act regulates the reporting of active legal proceedings to ensure fair trials by prohibiting the publication of material that could prejudice ongoing cases. It imposes strict liability on publishers, meaning that the offence can be committed regardless of intent or knowledge.

Courts can impose additional restrictions under the following:

- [Section 4\(2\) of the Contempt of Court Act 1981](#), postponing publication of reports if they pose a real risk of serious prejudice to ongoing or linked proceedings
- [Section 11 of the Contempt of Court Act 1981](#), restricting publication of material deliberately withheld from open court when necessary to ensure justice

## Criminal behaviour orders (CBOs)

Criminal behaviour orders (CBOs) may only be made following conviction for a criminal offence. Breaching a CBO is a criminal offence. There is no automatic reporting restriction for under-18s against whom proceedings are brought for a criminal behaviour order ([section 49 of the Children and Young Persons Act 1933](#) does not apply). However, the court may still impose a reporting restriction under [section 39 of the Children and Young Persons Act 1933](#). Under [The Criminal Procedure Rules 2020](#) (as of 6 October 2025), courts and parties must explicitly notify the media when seeking such restrictions.

## Other legislative considerations

### Defamation Act 2013

In England and Wales, the law around defamation is bound in the Defamation Act 2013.

### Personal data

Policing has a duty to safeguard the confidentiality and integrity of the information that it holds, as well as the rights of individuals to privacy. Release of personal data is primarily governed by the [Data Protection Act 2018](#), which incorporates the principles of the [UK General Data Protection Regulation \(UK GDPR\)](#).

### Human rights

The [European Convention on Human Rights \(ECHR\)](#) and [Human Rights Act 1998](#) provides a framework that balances the rights to privacy and freedom of expression in the context of publishing information about individuals involved in criminal investigations or proceedings.

## Tags

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