

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 76(2).

DISCLOSURE OF INFORMATION BY OMBUDSMEN

The Parliamentary Commissioner for Administration

1 At the end of section 11 of the ^{M1}Parliamentary Commissioner Act 1967 (provision for secrecy of information) there is inserted—

“(5) Information obtained from the Information Commissioner by virtue of section 76(1) of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) of this section as obtained for the purposes of an investigation under this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

Marginal Citations

M1 1967 c. 13.

2 After section 11A of that Act there is inserted—

“11AA Disclosure of information by Parliamentary Commissioner to Information Commissioner.

- (1) The Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Commissioner under or for the purposes of this Act if the information appears to the Commissioner to relate to—
 - (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
 - (i) Part V of the Data Protection Act 1998 (enforcement),
 - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
 - (iii) Part IV of that Act (enforcement), or
 - (b) the commission of an offence under—
 - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
 - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).
- (2) Nothing in section 11(2) of this Act shall apply in relation to the disclosure of information in accordance with this section.”

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The Commissions for Local Administration in England and Wales

3 In section 32 of the ^{M2}Local Government Act 1974 (law of defamation, and disclosure of information) after subsection (6) there is inserted—

“(7) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) above as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

Marginal Citations

M2 1974 c. 7.

4 After section 33 of that Act there is inserted—

“33A Disclosure of information by Local Commissioner to Information Commissioner.

(1) A Local Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Local Commissioner under or for the purposes of this Part of this Act if the information appears to the Local Commissioner to relate to—

(a) a matter in respect of which the Information Commissioner could exercise any power conferred by—

- (i) Part V of the Data Protection Act 1998 (enforcement),
- (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
- (iii) Part IV of that Act (enforcement), or

(b) the commission of an offence under—

- (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
- (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(2) Nothing in section 32(2) of this Act shall apply in relation to the disclosure of information in accordance with this section.”

The Health Service Commissioners

5 At the end of section 15 of the ^{M3}Health Service Commissioners Act 1993 (confidentiality of information) there is inserted—

“(4) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (1) as obtained for the purposes of an investigation and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

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Marginal Citations

M3 1993 c. 46.

6 After section 18 of that Act there is inserted—

“18A Disclosure of information to Information Commissioner.

- (1) The Health Service Commissioner for England or the Health Service Commissioner for Wales may disclose to the Information Commissioner any information obtained by, or furnished to, the Health Service Commissioner under or for the purposes of this Act if the information appears to the Health Service Commissioner to relate to—

(a) a matter in respect of which the Information Commissioner could exercise any power conferred by—

(i) Part V of the Data Protection Act 1998 (enforcement),
(ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
(iii) Part IV of that Act (enforcement), or

(b) the commission of an offence under—

(i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
(ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).
- (3) Nothing in section 15 (confidentiality of information) applies in relation to the disclosure of information in accordance with this section.”

The Welsh Administration Ombudsman

7 F1

Textual Amendments

F1 Sch. 7 para. 7 repealed (1.4.2006 for W.) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5

8 F2

Textual Amendments

F2 Sch. 7 para. 8 repealed (1.4.2006 for W.) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5

The Northern Ireland Commissioner for Complaints

9 At the end of Article 21 of the ^{M4}Commissioner for Complaints (Northern Ireland) Order 1996 (disclosure of information by Commissioner) there is inserted—

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“(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of paragraph (1) as obtained for the purposes of an investigation under this Order and, in relation to such information, the reference in paragraph (1)(a) to the investigation shall have effect as a reference to any investigation.”

Marginal Citations

M4 [S.I. 1996/1297 \(N.I. 7\)](#).

10 After that Article there is inserted—

Disclosure of information to Information Commissioner

“21A(1) The Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Commissioner under or for the purposes of this Order if the information appears to the Commissioner to relate to—

- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
 - (i) Part V of the Data Protection Act 1998 (enforcement),
 - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
 - (iii) Part IV of that Act (enforcement), or
- (b) the commission of an offence under—
 - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
 - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(2) Nothing in Article 21(1) applies in relation to the disclosure of information in accordance with this Article.”

The Assembly Ombudsman for Northern Ireland

11 At the end of Article 19 of the ^{M5}Ombudsman (Northern Ireland) Order 1996 there is inserted—

“(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of paragraph (1) as obtained for the purposes of an investigation under this Order and, in relation to such information, the reference in paragraph (1)(a) to the investigation shall have effect as a reference to any investigation.”

Marginal Citations

M5 [S.I. 1996/1298 \(N.I. 8\)](#).

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12 After that Article there is inserted—

Disclosure of information to Information Commissioner

“19A(1) The Ombudsman may disclose to the Information Commissioner any information obtained by, or furnished to, the Ombudsman under or for the purposes of this Order if the information appears to the Ombudsman to relate to—

- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
 - (i) Part V of the Data Protection Act 1998 (enforcement),
 - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
 - (iii) Part IV of that Act (enforcement), or
- (b) the commission of an offence under—
 - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
 - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(2) Nothing in Article 19(1) applies in relation to the disclosure of information in accordance with this Article.”

The Commissioner for Local Administration in Scotland

13

[^{F3}In section 30 of the ^{M6}Local Government (Scotland) Act 1975 (limitation on disclosure of information), after subsection (5) there is inserted—

“(5A) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in subsection (2)(a) to the investigation shall have effect as a reference to any investigation.”]

Textual Amendments

F3 Sch. 7 para. 13 repealed (S.) (23.10.2002) by [Scottish Public Services Ombudsman Act 2002 \(asp 11\)](#), s. 26, [Sch. 6 para. 23\(3\)](#); S.S.I. 2002/467, [art. 2](#)

Marginal Citations

M6 1975 c. 30.

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