
STATUTORY INSTRUMENTS

2001 No. 2326

The Financial Services and Markets Act
2000 (Transitional Provisions) (Ombudsman
Scheme and Complaints Scheme) Order 2001

The Ombudsman Scheme

Information

11.—(1) Any information held by any person responsible for the operation of a former scheme (“the former holder”) in connection with the operation of a former scheme may be disclosed by that person to the scheme operator or to an ombudsman (“the new holder”).

(2) Any such disclosure is not to be treated as contravening any restriction on disclosure of the information (imposed by statute or otherwise) to which the former holder is subject.

(3) When information has been disclosed in accordance with this article, the new holder is to be treated as subject to any such restriction on disclosure as would have applied to the former holder (subject to any exceptions which would have so applied).

(4) But paragraph (3) does not prevent the application of section 31(4A) of the Data Protection Act 1998⁽¹⁾ (which was inserted by section 233 of the Act, and provides for an exemption in respect of the processing of personal data for the purpose of discharging functions under Part XVI of the Act) to information which has been disclosed in accordance with this article.

(5) Sections 231 and 232 (ombudsman’s power to require information, and powers of court where information required) apply in relation to relevant complaints as they apply in relation to complaints relating to acts or omissions occurring after commencement.