

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 137 – Supply of information requested by Safeguarding Boards

385. **Section 137** provides that a Safeguarding Board may ask a person or a body to provide information to it or another person or body that it specifies. The information request must be made to a “qualifying person or body” and must be for the purpose of assisting the Safeguarding Board in the exercise of its functions. A “qualifying person or body” is defined in subsection (7) and means a person or body whose activities or functions are considered by the Safeguarding Board to be such that the person or body is likely to have information relevant to the exercise of a function of the Safeguarding Board.
386. This section provides a statutory gateway to enable persons to lawfully provide information to Safeguarding Boards when requested. The processing of personal data in compliance with a legal obligation to which the data controller is subject, other than an obligation imposed by contract, can provide a lawful basis for processing data under the Data Protection Act 1998 (see Schedule 1 (paragraph (a) of the first data protection principle) and Schedule 2, paragraph 3 of that Act).
387. The qualifying person or body is under a duty to comply with a request for information made by a Safeguarding Board under this section, unless the qualifying person or body considers that doing so would be incompatible with their own duties or have an adverse effect on the exercise of their powers or duties. A qualifying person or body who decides not to comply with the request must provide the Safeguarding Board which made the request with written reasons for their decision.