

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Excluded Matters

Disclosure

Section 26: Disclosure of information

81. **Section 26(1)** provides that information obtained in relation to or in connection with complaints about a listed authority is to be kept confidential except in limited circumstances.
82. **Section 26(2)** provides for the exceptions where such information may be disclosed, namely:
 - a) for the purposes of deciding whether to investigate a complaint; for the purposes of an investigation; for the purposes of resolving a complaint and for the purposes of reporting on an investigation;
 - b) for the purposes of consulting, co-operating, working and reporting jointly with other ombudsmen in accordance with section 25;
 - c) for the purposes of certain proceedings or for inquiries with a view to taking certain proceedings;
 - d) where the Ombudsman considers it is in the public interest, for the purposes of protection from or avoiding or minimising etc. any threat to the health or safety of any person or persons;
 - e) in the case of information within section 26(3) to (5) to the Information Commissioner.
83. **Section 26(6)** provides that neither the Ombudsman nor a member of his/her staff or other person acting on his/her behalf or assisting him/her can be required in any proceedings (except proceedings specified in section 26(2)) to disclose information coming to his knowledge in deciding whether to investigate a complaint; during an investigation of a complaint; in resolving a complaint; or in consulting, co-operating, working or reporting jointly on a complaint with another ombudsman.