



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 7

#### FURTHER PROVISIONS RELATING TO THE BOARD AND THE OLC

##### *Disclosure and use of information*

#### **167 Restricted information**

- (1) Except as provided by section 168, restricted information must not be disclosed—
  - (a) by a restricted person, or
  - (b) by any person who receives the information directly or indirectly from a restricted person.
- (2) In this section and section 168—

“restricted information” means information (other than excluded information) which is obtained by the Board in the exercise of its functions;

“restricted person” means—

  - (a) the Board (including the Board in its capacity as an approved regulator or a licensing authority),
  - (b) a person who exercises functions delegated under paragraph 23 of Schedule 1 or section 73 or by virtue of section 64(2)(k).
- (3) For the purposes of subsection (2) “excluded information” means—
  - (a) information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;
  - (b) information which at the time of the disclosure is or has already been made available to the public from other sources;
  - (c) information which was obtained more than 70 years before the date of the disclosure.

## **168 Disclosure of restricted information**

- (1) A restricted person may disclose restricted information to another restricted person.
- (2) Restricted information may be disclosed for the purposes of enabling or assisting the Board to exercise its functions (whether as an approved regulator, a licensing authority or otherwise).
- (3) Section 167 also does not preclude the disclosure of restricted information—
  - (a) where the disclosure is a result of the Board exercising any power to publish information under this Act;
  - (b) for the purposes of enabling or assisting the OLC, ombudsmen or persons who exercise functions delegated under paragraph 22 of Schedule 15, to exercise any of its or their functions,
  - (c) to an approved regulator for the purposes of enabling or assisting the approved regulator to exercise any of its functions,
  - (d) with the consent of the person to whom it relates and (if different) the person from whom the restricted person obtained it,
  - (e) for the purposes of an inquiry with a view to the taking of any criminal proceedings or for the purposes of any such proceedings,
  - (f) where the disclosure is required by or by virtue of any provision made by or under this Act or any other enactment or other rule of law, or
  - (g) to such persons (other than approved regulators) who exercise regulatory functions as may be prescribed by order made by the Lord Chancellor, for such purposes as may be so prescribed.
- (4) Subsections (2) and (3) are subject to subsection (5).
- (5) The Lord Chancellor may by order prevent the disclosure of restricted information by virtue of subsection (2) or (3) in such circumstances, or for such purposes, as may be prescribed in the order.

## **169 Disclosure of information to the Board**

- (1) Information which is held by or on behalf of a permitted person (whether obtained before or after this section comes into force) may be disclosed to the Board for the purposes of enabling or assisting the Board to exercise its functions (whether as an approved regulator, a licensing authority or otherwise).
- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
  - (a) which contravenes the Data Protection Act 1998 (c. 29), or
  - (b) which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) The following are permitted persons—
  - (a) a chief officer of police of a police force in England and Wales;
  - (b) a chief constable of a police force in Scotland;
  - (c) the Chief Constable of the Police Service of Northern Ireland;

- (d) the Director General of the Serious Organised Crime Agency;
  - (e) the Commissioners for Her Majesty's Revenue and Customs;
  - (f) the Financial Services Authority.
- (6) The Lord Chancellor may by order designate as permitted persons other persons who exercise functions which the Lord Chancellor considers are of a public nature (including a person discharging regulatory functions in relation to any description of activities).
- (7) Information must not be disclosed under this section on behalf of the Commissioners for Her Majesty's Revenue and Customs unless the Commissioners authorise the disclosure.
- (8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose) to an officer of Revenue and Customs.

## **170 Data protection**

In section 31 of the Data Protection Act 1998 (c. 29) (regulatory activity), after subsection (4A) insert—

“(4B) Personal data processed for the purposes of discharging any function of the Legal Services Board are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function.”

## **171 Use of information**

Information obtained by the Board (whether in its capacity as an approved regulator or licensing authority or otherwise) may be used by the Board for the purposes of, or for any purpose connected with or incidental to, the exercise of its functions.