



Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 6

INVESTIGATIONS: SUPPLEMENTARY

Disclosure

69 Disclosure of information

- (1) The information to which this section applies is—
- (a) information obtained by the Ombudsman, a member of the Ombudsman's staff or another person acting on the Ombudsman's behalf or assisting the Ombudsman in the discharge of the Ombudsman's functions—
 - (i) in deciding whether to begin an investigation,
 - (ii) in the course of an investigation,
 - (iii) in resolving a matter under section 6 or 46, or
 - (iv) in connection with a notification received under section 26 or 57;
 - (b) information obtained from an ombudsman mentioned in section 65(7) by virtue of any provision of section 65 or a corresponding provision in an enactment relating to any of those ombudsmen;
 - (c) information obtained from a specified person in section 66(2) by virtue of any provision of section 66 or 67 or a corresponding provision in an enactment relating to any of those specified persons;
 - (d) information obtained from the Auditor General for Wales by virtue of section 68 of this Act or section 29A of the [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#);
 - (e) information obtained from the Information Commissioner by virtue of section 76 of the [Freedom of Information Act 2000 \(c.36\)](#) (disclosure between Information Commissioner and ombudsmen).

Status: This is the original version (as it was originally enacted).

- (2) The information must not be disclosed except—
- (a) for the purposes of deciding whether to begin an investigation;
 - (b) for the purposes of an investigation;
 - (c) for the purpose of any function of the Auditor General for Wales;
 - (d) for the purposes of resolving a complaint under section 6 or 46;
 - (e) for the purposes of a statement or report made in relation to a complaint or investigation;
 - (f) for the purposes of any provision of section 65, 66, 67 or 68;
 - (g) for the purposes of proceedings for—
 - (i) an offence under the [Official Secrets Acts 1911 \(c.28\) to 1989 \(c.6\)](#) alleged to have been committed by the Ombudsman, a member of the Ombudsman’s staff or other person acting on the Ombudsman’s behalf or assisting the Ombudsman in the discharge of any of the Ombudsman’s functions;
 - (ii) an offence of perjury alleged to have been committed in the course of an investigation;
 - (h) for the purposes of an inquiry with a view to the taking of proceedings mentioned in paragraph (g);
 - (i) for the purpose of proceedings under section 20 or 54;
 - (j) in the case of information to the effect that a person is likely to constitute a threat to the health or safety of one or more persons, to any person to whom the Ombudsman thinks it should be disclosed in the public interest;
 - (k) in the case of information to which subsection (3) applies, to the Information Commissioner;
 - (l) for the purposes of the Ombudsman’s functions under Chapters 3 and 4 of Part 3 of the [Local Government Act 2000 \(c.22\)](#).
- (3) This subsection applies to information if it appears to the Ombudsman to relate to—
- (a) a matter in respect of which the Information Commissioner could exercise a power conferred by an enactment mentioned in subsection (4), or
 - (b) the commission of an offence mentioned in subsection (6).
- (4) The enactments are—
- (a) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the [Data Protection Act 2018 \(c.12\)](#) (certain provisions relating to enforcement);
 - (b) section 48 of the [Freedom of Information Act 2000 \(c.36\)](#) (practice recommendations);
 - (c) Part 4 of that Act.
- (5) Subsection (4)(a) has effect as if the matters to which it refers include a matter in respect of which the Information Commissioner could exercise a power conferred by a provision of Part 5 of the [Data Protection Act 1998 \(c.29\)](#), as it has effect by virtue of Schedule 20 to the [Data Protection Act 2018 \(c.12\)](#).
- (6) The offences are those under—
- (a) a provision of the [Data Protection Act 2018 \(c.12\)](#) other than paragraph 15 of Schedule 15 to that Act (obstruction of execution of warrant etc);
 - (b) section 77 of the [Freedom of Information Act 2000 \(c.36\)](#) (offence of altering etc records with intent to prevent disclosure).

Status: This is the original version (as it was originally enacted).

- (7) No person may be called upon to give evidence in any proceedings (other than proceedings mentioned in subsection (2)) of information obtained by that person as mentioned in subsection (1)(a) or (b).