



# Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

2021 asp 15

## PART 4

### FINANCIAL REDRESS: REDRESS PAYMENTS

## CHAPTER 6

### PROVISION OF INFORMATION AND EVIDENCE

#### **88 Power to share information with third parties**

- (1) The Scottish Ministers or Redress Scotland may, where the disclosure of relevant information is necessary for a purpose mentioned in subsection (2), disclose relevant information.
- (2) The purposes are—
  - (a) the verification or authentication of information, documents, objects or other items of evidence provided in connection with an application,
  - (b) the provision by the person to whom the disclosure is made of information, documents, objects, other items of evidence or evidence by written statement in relation to an application or the determination of an application,
  - (c) the provision by the person to whom the disclosure is made of details of any relevant payment that has been made to an applicant, or to the person in respect of whom the application is made, or to which the applicant or that person is entitled,
  - (d) the determination by the person to whom the disclosure is made as to whether civil proceedings commenced against the person have been commenced in contravention of section 46.
- (3) Where relevant information is disclosed under this section—
  - (a) the person to whom the disclosure is made may only use the information or subsequently disclose it to any other person as is necessary for or in connection with a purpose mentioned in subsection (2) (including, in

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*Status: This is the original version (as it was originally enacted).*

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- particular, contesting any civil proceedings commenced in contravention of section 46), and
- (b) any other person to whom the information is subsequently disclosed may only use it for the purpose for which it was disclosed to that person under paragraph (a).
- (4) In this section, “relevant information” means such information as the Scottish Ministers consider, or, as the case may be, Redress Scotland considers, reasonably necessary for a purpose mentioned in subsection (2), which may, in particular, include—
- (a) the name and date of birth of an applicant,
  - (b) the name and date of birth of a person in respect of whom an application is made (where not the applicant),
  - (c) the relevant care setting to which an application relates,
  - (d) the approximate dates that an applicant or, as the case may be, a person in respect of whom the application is made was resident in the relevant care setting to which an application relates,
  - (e) whether an applicant has signed a waiver under section 46 and, if so, the information contained in that waiver.
- (5) Nothing in this section authorises a disclosure of any information that would be in contravention of the data protection legislation.
- (6) In this section, “the data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018.