



# Welsh Language (Wales) Measure 2011

2011 nawm 1

## PART 2

### THE WELSH LANGUAGE COMMISSIONER

#### *Disclosure of information*

#### **22 Power to disclose information**

- (1) Information which has been obtained by the Commissioner in the exercise of any of the Commissioner's functions must not be disclosed unless the disclosure is authorised by subsection (2).
- (2) The Commissioner may disclose the information—
  - (a) for the purpose of the exercise of any of the Commissioner's functions;
  - (b) for the purpose of proceedings for an offence of perjury alleged to have been committed in the course of a standards enforcement investigation;
  - (c) for the purpose of an inquiry with a view to the taking of proceedings mentioned in paragraph (b);
  - (d) for the purpose of issuing a certificate under section 107 (obstruction and contempt);
  - (e) if the information is to the effect that a person is likely to constitute a threat to the health or safety of one or more persons, and the disclosure is to a person to whom the Commissioner thinks it should be disclosed in the public interest;
  - (f) if the information is of the kind mentioned in subsection (3), and the disclosure is to the Information Commissioner;
  - (g) if the disclosure is to a permitted person, and the Commissioner is satisfied that the public interest condition is met;
  - (h) if the information was obtained by the Commissioner more than 70 years before the date of disclosure, and the disclosure is to a person to whom the Commissioner thinks it should be disclosed in the public interest.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The information referred to in subsection (2)(f) is information that appears to the Commissioner 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 (5).
- (4) The enactments referred to in subsection (3)(a) are—
- (a) Part 5 of the Data Protection Act 1998 (enforcement);
  - (b) section 48 of the Freedom of Information Act 2000 (practice recommendations); and
  - (c) Part 4 of that Act (enforcement).
- (5) The offences referred to in subsection (3)(b) are those under—
- (a) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 to that Act (obstruction of execution of a warrant); or
  - (b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).
- (6) For the purposes of subsection (2)(g), the public interest condition is met if the disclosure—
- (a) is appropriate for the purpose of the exercise by the permitted person of any of that person’s functions, and
  - (b) is in the public interest.
- (7) In determining for the purpose of this section whether disclosure of information is in the public interest, the Commissioner must take into account the interests of—
- (a) any person to whom the information relates; and
  - (b) such other persons as the Commissioner thinks appropriate.
- (8) This section does not affect the application of the Data Protection Act 1998 to the Commissioner.
- (9) In this section—
- “permitted person” (“*person a ganiatawyd*”) means—
- (a) the Welsh Ministers;
  - (b) the First Minister;
  - (c) the Counsel General to the Welsh Assembly Government;
  - (d) the Public Services Ombudsman for Wales;
  - (e) the Children’s Commissioner for Wales;
  - (f) the Children’s Commissioner;
  - (g) the Commission for Equality and Human Rights;
  - (h) the Commissioner for Children and Young People for Northern Ireland;
  - (i) the Commissioner for Older People in Wales;
  - (j) a housing ombudsman appointed in accordance with a scheme approved under section 51 of the Housing Act 1996;
  - (k) a council for a county or county borough in Wales;
  - (l) a council for a county or district in England;
  - (m) a council for a London borough;
  - (n) a chief of police of a police force for a police area;
  - (o) the chief constable of the British Transport Police Force;

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“standards enforcement investigation” (“*ymchwiliad i orfodi safonau*”) means an investigation undertaken by the Commissioner under section 71.

- (10) The Welsh Ministers may by order amend the definition of “permitted person” in subsection (9) by—
- (a) adding a person;
  - (b) omitting a person;
  - (c) changing a description of a person.
- (11) Before making an order under subsection (10), the Welsh Ministers must consult the person concerned and any other persons they think it appropriate to consult.