



2016 CHAPTER 4

PART 4

MISCELLANEOUS AND GENERAL

Disclosure

Disclosure of information

- 49.—**(1) The information to which this section applies is—
- (a) information obtained by the Ombudsman—
 - (i) in deciding whether to begin an investigation,
 - (ii) in the course of an investigation,
 - (iii) in resolving a complaint under section 10,
 - (b) information obtained by the Ombudsman which is obtained from a person mentioned in section 51(4),
 - (c) information obtained by the Ombudsman which is obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 (disclosure between Information Commissioner and ombudsmen).
- (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 purposes of resolving a complaint under section 10,
 - (d) for the purposes of a statement or report made in relation to a complaint or investigation,

- (e) for the purposes of any provision of section 51,
 - (f) for the purposes of proceedings for an offence under the Official Secrets Acts 1911 to 1989 alleged to have been committed in respect of information obtained by the Ombudsman,
 - (g) for the purposes of proceedings for 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 (f) and (g),
 - (i) for the purposes of proceedings under section 33 or sections 54 and 55,
 - (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.
- (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 (5).
- (4) The enactments are—
- (a) Part 5 of the Data Protection Act 1998 (enforcement),
 - (b) section 48 of the Freedom of Information Act 2000 (practice recommendations),
 - (c) Part 4 of that Act (enforcement).
- (5) The offences 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 warrant),
 - (b) section 77 of the Freedom of Information Act 2000 (offence of altering records with intent to prevent disclosure).
- (6) 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).