
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 494

**The Civil Contingencies Act 2004 (Contingency
Planning) (Scotland) Regulations 2005**

PART 8

Information

Use of sensitive information

- 46.**—(1) Subject to paragraph (2), sensitive information which a general responder has received—
- (a) under or by virtue of a provision of these Regulations; or
 - (b) under or by virtue of a provision in regulations made by a Minister of the Crown under Part 1,

may only be used by that responder for the purpose of performing the function for which, or in connection with which, the information was requested.

(2) Sensitive information may be used for purposes other than those specified in paragraph (1) if consent for such use is given by—

- (a) in relation to sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 39, the originator or (if different) a member of the Scottish Executive; or
 - (b) in relation to sensitive information of the kind specified by paragraph (1)(c) or (d) of regulation 39, the person to whom the information relates.
- (3) Consent under paragraph (2) may—
- (a) identify the information to which it applies by means of a general description;
 - (b) be expressed to have prospective effect; and
 - (c) may include conditions.
- (4) In paragraph (2), “originator of the information” means—
- (a) if the information has been directly or indirectly supplied to the responder by a body which deals with security matters, that body;
 - (b) if sub paragraph (a) does not apply, the information takes the form of a document and that document has been created by a public authority, that public authority;
 - (c) otherwise, the person who supplied the information to the responder.
- (5) In this regulation, “use” does not include publication or disclosure.