

SCHEDULES

SCHEDULE 2

PERSONS HAVING THE APPROPRIATE PERMISSION

Data obtained under statute by other persons but without a warrant

- 4 (1) This paragraph applies—
- (a) in the case of protected information falling within section 49(1)(a), (b) or (c) which is not information in the case of which paragraph 2 or 3 applies; and
 - (b) in the case of protected information falling within section 49(1)(d) which is not information also falling within section 49(1)(a), (b) or (c) in the case of which paragraph 3 applies.
- (2) Subject to paragraph 6, where—
- (a) the statutory power was exercised, or is likely to be exercised, by the police, the customs and excise or a member of Her Majesty's forces, or
 - (b) the information was provided or disclosed, or is likely to be provided or disclosed, to the police, the customs and excise or a member of Her Majesty's forces, or
 - (c) the information is in the possession of, or is likely to come into the possession of, the police, the customs and excise or a member of Her Majesty's forces, the police, the customs and excise or, as the case may be, members of Her Majesty's forces have the appropriate permission in relation to the protected information, without any grant of permission under paragraph 1.
- (3) In any other case a person shall not have the appropriate permission by virtue of a grant of permission under paragraph 1 unless he is a person falling within sub-paragraph (4).
- (4) A person falls within this sub-paragraph if, as the case may be—
- (a) he is the person who exercised the statutory power or is of the description of persons who would have been entitled to exercise it;
 - (b) he is the person to whom the protected information was provided or disclosed, or is of a description of person the provision or disclosure of the information to whom would have discharged the statutory duty; or
 - (c) he is a person who is likely to be a person falling within paragraph (a) or (b) when the power is exercised or the protected information provided or disclosed.