

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part VIII: Miscellaneous and supplemental

Section 76: Disclosure of information between Commissioner and ombudsmen

231. *Subsection (1)* allows the Commissioner to disclose to specified ombudsmen any information he has obtained or which has been given to him under or for the purposes of this Act or the Data Protection Act 1998, if it appears to him that the information in question relates to a matter which could be the subject of an investigation by one of the specified ombudsmen under the enactment relating to that ombudsman. The ombudsmen specified are: the Parliamentary Commissioner for Administration; the Health Service Commissioners for England, Wales and Scotland; Local Commissioners (as defined by section 23(2) of the Local Government Act 1974); the Commissioner for Local Administration in Scotland; the Scottish Parliamentary Commissioner for Complaints; the Welsh Administration Ombudsman; the Northern Ireland Commissioner for Complaints and the Assembly Ombudsman for Northern Ireland.
232. In effect, the ability of the Commissioner to disclose information to the three Scottish ombudsmen will be limited to information about matters obtained by or given to him under the Data Protection Act 1998. This is because the Commissioner will not have information under this Act relating to bodies within the jurisdiction of the Scottish ombudsmen.
233. *Subsection (2)* introduces Schedule 7, which provides for amendments to the relevant legislation to provide that the specified ombudsmen are empowered to disclose information to the Commissioner.