



Public Audit (Wales) Act 2004

2004 CHAPTER 23

[^{F1}PART 3A

DATA MATCHING

[^{F1}64D Disclosure of results of data matching etc

- (1) This section applies to the following information—
 - (a) information relating to a particular body or person obtained by or on behalf of the Auditor General for Wales for the purpose of conducting a data matching exercise,
 - (b) the results of any such exercise.
- (2) Information to which this section applies may be disclosed by or on behalf of the Auditor General for Wales if the disclosure is—
 - (a) for or in connection with a purpose for which the data matching exercise is conducted,
 - (b) to a body [^{F2}or person] mentioned in subsection (3) (or a related party) for or in connection with a function of that body [^{F2}or person] corresponding or similar to the functions of [^{F3}the Auditor General] under Chapter 1 of Part 2 or the functions of the Auditor General under Part 3 or this Part, or
 - (c) in pursuance of a duty imposed by or under a statutory provision.
- (3) The bodies [^{F4}and persons] are—
 - [^{F5}(a) the Secretary of State,
 - (aa) the Minister for the Cabinet Office,
 - (ab) a local auditor within the meaning of the Local Audit and Accountability Act 2014,]
 - (b) the Auditor General for Scotland,
 - (c) the Accounts Commission for Scotland,
 - (d) Audit Scotland,
 - (e) the Comptroller and Auditor General for Northern Ireland,

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 64D. (See end of Document for details)

- (f) a person designated as a local government auditor under Article 4 of the Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 (N.I.18)).
- (4) “ Related party ”, in relation to a body [^{F6}or person] mentioned in subsection (3), means—
- (a) a body or person acting on its behalf,
 - (b) a body whose accounts are required to be audited by it or by a person appointed by it,
 - (c) a person appointed by it to audit those accounts.
- (5) If the data used for a data matching exercise include patient data—
- (a) subsection (2)(a) applies only so far as the purpose for which the disclosure is made relates to a relevant NHS body,
 - (b) subsection (2)(b) applies only so far as the function for or in connection with which the disclosure is made relates to such a body.
- (6) In subsection (5)—
- (a) “ patient data ” has the same meaning as in section 64C,
 - (b) “ relevant NHS body ” means—
 - (i) a Welsh NHS body as defined in section 60,
 - [^{F7}(ii) a body mentioned in paragraph (a), (b) or (c) of paragraph 4(12) of Schedule 9 to the Local Audit and Accountability Act 2014 (“relevant NHS body”);]
 - (iii) an NHS body as defined in section 22(1) of the Community Care and Health (Scotland) Act 2002 (asp 5),
 - [^{F8}(iv) a health and social care body mentioned in paragraphs (a) to (e) of section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.]
- (7) Information disclosed under subsection (2) may not be further disclosed except—
- (a) for or in connection with the purpose for which it was disclosed under paragraph (a) or the function for which it was disclosed under paragraph (b) of that subsection,
 - (b) for the investigation or prosecution of an offence (so far as the disclosure does not fall within paragraph (a)), or
 - (c) in pursuance of a duty imposed by or under a statutory provision.
- (8) Except as authorised by subsections (2) and (7), a person who discloses information to which this section applies is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F9}the general limit in a magistrates’ court], to a fine not exceeding the statutory maximum or to both.
- (9) Section 54 does not apply to information to which this section applies.
- (10) In this section “ statutory provision ” has the meaning given in section 59(8).]

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 64D. (See end of Document for details)

Textual Amendments

- F1** Pt. 3A inserted (1.3.2008 for s. 64G(1)(3)(4) and 6.4.2008 otherwise) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 73, 94, [Sch. 7 para. 4](#); [S.I. 2008/219](#), [art. 3\(i\)](#); [S.I. 2008/755](#), [art. 16](#)
- F2** Words in s. 64D(2)(b) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 63\(2\)](#); [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))
- F3** Words in s. 64D(2)(b) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 65\(2\)](#) (with [Sch. 3 para. 3](#)); [S.I. 2013/1466](#), [art. 3\(1\)](#)
- F4** Words in s. 64D(3) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 63\(3\)](#); [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))
- F5** Ss. 64D(3)(a)-(ab) substituted for s. 64D(3)(a) (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 63\(4\)](#); [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))
- F6** Words in s. 64D(4) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 63\(5\)](#); [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))
- F7** S. 64D(6)(b)(ii) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 63\(6\)](#); [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))
- F8** S. 64D(6)(b)(iv) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 65\(3\)](#) (with [Sch. 3 para. 3](#)); [S.I. 2013/1466](#), [art. 3\(1\)](#)
- F9** Words in s. 64D(8)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#)

Modifications etc. (not altering text)

- C1** S. 64D(8)(b) modified (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 91(1), 94, [Sch. 13 para. 9\(b\)](#); [S.I. 2008/755](#), [art. 16](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 64D.