

## SCHEDULE 2

### CONDITIONS FOR PERMITTED DISCLOSURE

#### PART 2

##### Disclosure to a credit reference agency

5. Paragraphs 6 to 10 set out the conditions specified for the disclosure of restricted DOB information by the registrar to a credit reference agency.

6. The credit reference agency—

(a) is carrying on in the United Kingdom or in another EEA State a business comprising the furnishing of information relevant to the financial standing of individuals, being information collected by the agency for that purpose;

(b) maintains appropriate procedures—

(i) to ensure that an independent person can investigate and audit the measures maintained by the agency for the purposes of ensuring the security of any restricted DOB information disclosed to that agency; and

(ii) for the purposes of ensuring that it complies with its obligations under the Data Protection Act 1998<sup>(1)</sup>, or, where the agency carries on business in a EEA State other than the United Kingdom, with its obligations under legislation implementing [Directive 95/46/EC](#) of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(2)</sup>;

(c) has not been found guilty of an offence under—

(i) section 1112 (general false statement offence) of the Act or section 2 of the Fraud Act 2006<sup>(3)</sup> (fraud by false representation); or

(ii) section 47 (failure to comply with enforcement notice) of the Data Protection Act 1998 in circumstances where it has used the restricted DOB information for purposes other than those described in sub-paragraphs (a) to (e) of paragraph 7 below.

7. The credit reference agency has delivered to the registrar a statement that it intends to use the restricted DOB information only for the purposes of—

(a) providing an assessment of the financial standing of a person;

(b) meeting any obligations contained in the Money Laundering Regulations 2007<sup>(4)</sup> or any rules made pursuant to section 137A of the Financial Services and Markets Act 2000<sup>(5)</sup> which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons, or in any legislation of another EEA State implementing [Directive 2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing<sup>(6)</sup>;

(c) conducting conflict of interest checks required or made necessary by any enactment;

(d) the provision of restricted DOB information to—

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(1) 1998 c. 29.

(2) OJ L 81, 23.11.1995, p. 31.

(3) 2006 c. 35.

(4) S.I. 2007/2157.

(5) Section 137A was inserted by section 24 of the Financial Services Act 2012 c. 21.

(6) OJ L 309, 25.11.2005, p. 15.

**Status:** This is the original version (as it was originally made).

- (i) a specified public authority which has satisfied the requirements of paragraphs 2 and 3 of this Schedule; or
  - (ii) a credit reference agency which has satisfied the requirements of this Part of this Schedule; or
- (e) conducting checks for the prevention and detection of crime and fraud.
- 8.** The credit reference agency has delivered to the registrar a statement that it intends to take delivery of and to use the restricted DOB information only in the United Kingdom or in another EEA State.
- 9.** The credit reference agency has delivered to the registrar a statement that it will, where it supplies a copy of the restricted DOB information to a processor for the purpose of processing the information for use in respect of the purposes referred to in paragraph 7—
- (a) ensure that the processor is one who carries on business in the European Economic Area;
  - (b) require that the information is not transmitted outside the European Economic Area by the processor; and
  - (c) require that the processor does not disclose the information except to the credit reference agency or an employee of the credit reference agency.
- 10.** The credit reference agency has delivered to the registrar a statement that it meets the conditions in paragraph 6 above.