



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Offences relating to Level 1 and Level 2 disclosures

PROSPECTIVE

43 Lawful disclosures of Level 2 disclosures

- (1) An accredited body to whom a Level 2 disclosure is made available under this Part may disclose the Level 2 disclosure—
 - (a) to any of the accredited body's employees,
 - (b) where the accredited body is not an individual, to any member or officer of the accredited body,
 - (c) where the Level 2 disclosure was made available by virtue of an application for a Level 2 disclosure made at the request of another person (a “third person”) who is, for the purpose of the disclosure, asking a question about the individual who is the subject of the disclosure—
 - (i) to that third person,
 - (ii) to any of the third person's employees,
 - (iii) where the third person is not an individual, to any member or officer of the third person.
- (2) An employee, member or officer of the accredited body to whom a Level 2 disclosure is disclosed under subsection (1) may disclose the Level 2 disclosure—
 - (a) to any other employee, member or officer of the accredited body, or
 - (b) as mentioned in subsection (1)(c).
- (3) A third person to whom a Level 2 disclosure is disclosed under subsection (1)(c) or (2)(b) may disclose the Level 2 disclosure—
 - (a) to any of the third person's employees,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 43. (See end of Document for details)

- (b) where the third person is not an individual, to any of the third person's members or officers.
- (4) An employee, member or officer of a third person to whom a Level 2 disclosure is disclosed under subsection (1)(c), (2)(b) or (3) may disclose the Level 2 disclosure to another employee, member or officer of the third person.
- (5) Disclosure of a Level 2 disclosure by a person is permitted under this section only so far as the disclosure is—
 - (a) made in the course of the person's functions,
 - (b) for a purpose that is the same as the purpose of the Level 2 disclosure, and
 - (c) in the case of disclosure as mentioned in subsection (1)(c), permitted by section 56(3) or (4).
- (6) In subsection (1), the reference to an accredited body to whom a Level 2 disclosure is made available under this Part includes a reference to any lead signatory or countersignatory of the accredited body to whom a Level 2 disclosure is made available on behalf of the accredited body.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 43.