

Status: Point in time view as at 31/12/2002.

Changes to legislation: Government of Wales Act 1998, Cross Heading: Confidentiality of information is up to date with all changes known to be in force on or before 20 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

WELSH ADMINISTRATION OMBUDSMAN

Commencement Information

- II** Sch. 9 wholly in force at 1.7.1999; Sch. 9 not in force at Royal Assent see s. 158; Sch. 9 Pt. I in force (1.2.1999) by S.I. 1999/118, art. 2; Sch. 9 para. 17(9) in force 1.5.1999 and Sch. 9 paras. 14-16, 17(1)-(8)(10), 18-17 in force at 1.7.1999 by S.I. 1999/1290, arts. 3, 4

PART II

INVESTIGATION OF COMPLAINTS

Modifications etc. (not altering text)

- C1** Sch. 9 Pt. II extended (1.7.1999 subject to art. 4(2)-(6) of the amending Act) by S.I. 1999/1791, art. 4(1)

Confidentiality of information

- 25 (1) Information obtained by the Welsh Administration Ombudsman or a member of his staff in the course of or for the purposes of an investigation shall not be disclosed except—
- (a) for the purposes of the investigation and of any report of it,
 - (b) for the purposes of any proceedings for—
 - (i) an offence under the Official Secrets Acts 1911 to 1989 alleged to have been committed in respect of information obtained by him or a member of his staff, or
 - (ii) an offence of perjury alleged to have been committed in the course of an investigation by him,
 - (c) for the purposes of an inquiry with a view to the taking of proceedings within paragraph (b),
 - (d) for the purposes of any proceedings under paragraph 21, or
 - (e) in accordance with paragraph 26.
- (2) Neither the Welsh Administration Ombudsman nor any members of his staff shall be called upon to give evidence in any proceedings (other than proceedings referred to in sub-paragraph (1)) of matters coming to his or their knowledge in the course of an investigation.

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- (3) A Minister of the Crown may give notice in writing to the Welsh Administration Ombudsman with respect to—
- (a) any document or information specified in the notice, or
 - (b) any class of document or information so specified,
- that in the opinion of the Minister the disclosure of that document or information, or of documents or information of that class, would be prejudicial to the safety of the State or otherwise contrary to the public interest.
- (4) Where such a notice is given neither the Welsh Administration Ombudsman nor any member of his staff shall be required or authorised to disclose to any person or for any purpose any document or information specified in the notice or any document or information of a class so specified.
- [^{F1}(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of sub-paragraph (1) as obtained for the purposes of an investigation and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.]

Textual Amendments

F1 Sch. 9 para. 25(5) inserted (30.1.2001) by 2000 c. 36, ss. 76(2), 87(2)(b), Sch. 7 para. 7 (with ss. 56, 78)

- 26 (1) Sub-paragraph (2) applies where—
- (a) the Welsh Administration Ombudsman also holds office as the Parliamentary Commissioner for Administration or a Health Service Commissioner (“a Commissioner”), and
 - (b) a person initiates a complaint to him in his capacity as a Commissioner which relates partly to a matter with respect to which that person has previously initiated, or subsequently initiates, a complaint to him as Welsh Administration Ombudsman.
- (2) Information obtained by the Welsh Administration Ombudsman or a member of his staff in the course of or for the purposes of investigating the complaint made to him in his capacity as Welsh Administration Ombudsman may be disclosed for the purposes of his carrying out his functions in relation to the other complaint.

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