

SCHEDULE 2

Regulation 6(3)(b)

Conditions for permitted disclosure

1. The specified public authority has delivered to the registrar a statement that it intends to use the information only for the purpose of facilitating the carrying out by that specified public authority of a public function (“the permitted purpose”).

2. Subject to paragraph 3, the specified public authority has delivered to the registrar a statement that, where it supplies a copy of the information to a processor for the purpose of processing the information for use in respect of the permitted purpose, the specified public authority will—

- (a) ensure that the processor is one who carries on business in the United Kingdom or the European Economic Area;
- (b) require that the processor does not transmit the information outside the area comprising the United Kingdom and the European Economic Area; and
- (c) require that the processor does not disclose the information except to that specified public authority or an employee of that specified public authority.

3. Paragraph 2 does not apply where the specified public authority is the National Crime Agency, Secret Intelligence Service, Security Service or Government Communications Headquarters.

4. The specified public authority has delivered any information or evidence required by the registrar for the purpose of enabling the registrar to determine in accordance with these Regulations whether to disclose the information.

5. The specified public authority has complied with any requirement by the registrar to confirm the accuracy of the statements, information or evidence delivered to the registrar pursuant to this Schedule.

6. In this Schedule—

- (a) “processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to the processor’s employees;
- (b) “public function” includes—
 - (i) any function conferred by or in accordance with any provision contained in any enactment;
 - (ii) any similar function conferred on persons by or under provisions having effect as part of the law of a country or territory outside the United Kingdom; and
 - (iii) any function exercisable in relation to the investigation of any criminal offence or for the purpose of any criminal proceedings; and
- (c) any reference to the disclosure for the purpose of facilitating the carrying out of a public function includes disclosure in relation to, and for the purpose of, any proceedings whether civil, criminal or disciplinary in which the specified public authority engages while carrying out its public functions.