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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 169**

**The Health Protection (Coronavirus)  
(International Travel) (Scotland) Regulations 2020**

**PART 5**

Information sharing

**Power to use and disclose information**

**13.**—(1) This regulation applies to a person in Scotland (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (4).

(2) For the purposes of this regulation, “relevant information” is—

- (a) information provided in accordance with regulation 3, <sup>F1</sup>...
- (b) passenger information from elsewhere in the UK.

<sup>F2</sup>(c) where a person (“B”) is required to self-isolate under these Regulations—

- (i) the details of any such period of self-isolation (including the start and end dates of that period and the reason it was imposed);
  - (ii) a copy of any notice given to B which contains information about the requirement to self-isolate;
  - (iii) information generated where B books, or attempts to book, accommodation as part of a managed self-isolation package;
  - (iv) the details of any location in which B undertakes any period of managed self-isolation (including the name and address of the location);
  - (v) information relating to B obtained by P in the course of providing accommodation to B pursuant to a managed self-isolation package (including B’s room number, the personal details of any of B’s co-habitants, and the details of any absence of B, authorised or otherwise, from the place where B is self-isolating);
  - (vi) information relating to B obtained by P in the course of providing transport to a location at which B undertakes, or is due to undertake, any period of managed self-isolation;
  - (vii) information relating to B obtained by P in the course of providing any service in connection with a managed self-isolation package,
- (d) where B is required to obtain a testing package (within the meaning of regulation 5C) or undertake a post-arrival test under these Regulations—
- (i) information generated where B books, or attempts to book, a testing package;
  - (ii) a copy of any notice given to B which contains information about the requirement to book a testing package or to undertake a test;

*Status: Point in time view as at 20/03/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020, PART 5. (See end of Document for details)*

- (iii) the results of a test undertaken by B (whether or not that test was provided as part of a testing package);
  - (v) information obtained by P in the course of providing a test that falls within paragraph (iii) and is undertaken, or in the course of arranging for such a test to be undertaken, by B (including confirmation that the test was undertaken, details of when and where it was undertaken, any reasons for a test not being undertaken and the details of any replacement test to be undertaken),
- [<sup>F3</sup>(e)] information provided to an immigration officer pursuant to these Regulations, or
- [<sup>F4</sup>(f)] where a sample taken in respect of a day 2 test (within the meaning of regulation 5C) has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed.]
- (3) P may only use the relevant information where it is necessary for the purpose of—
- (a) carrying out a function under these Regulations,
  - (b) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
  - (c) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
  - (d) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
  - (e) for a purpose connected with, or otherwise incidental to a purpose described in subparagraph (a) to (d).
- (4) Subject to paragraph (6), P may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
    - (i) these Regulations, or
    - (ii) regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations,
  - (b) for the purpose of—
    - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
    - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
    - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
  - (c) a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).
- [<sup>F5</sup>(4A) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed self-isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B the following information—
- (a) confirmation that B possesses a testing package (within the meaning of regulation 5C) and the details of that testing package (including the time and date of the tests);
  - (b) confirmation that B has undertaken any test in accordance with a testing package and, if not, an account of the reasons;

(c) the result of any test B has undertaken in accordance with a testing package.]

(5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach an obligation of confidence owed by the person making the disclosure.

(6) Despite paragraphs (3), (4) and (5), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

(7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.

(8) For the purposes of this regulation—

- (a) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018<sup>M1</sup>, and
- (b) “passenger information from elsewhere in the UK” means information provided to a person in accordance with provision in regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations.

#### Textual Amendments

- F1** Word in reg. 13(2) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **11(a)** (with reg. 17)
- F2** Reg. 13(2)(c)-(g) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **11(b)** (with reg. 17)
- F3** Reg. 13(2)(f) renumbered as reg. 13(2)(e) (26.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing etc.\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/107\)](#), regs. 1(2), **7(a)** (with reg. 10)
- F4** Reg. 13(2)(g) renumbered as reg. 13(2)(f) (26.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing etc.\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/107\)](#), regs. 1(2), **7(b)** (with reg. 10)
- F5** Reg. 13(4A) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **11(c)** (with reg. 17)

#### Commencement Information

- I1** Reg. 13 in force at 8.6.2020, see reg. 1(2)

#### Marginal Citations

- M1** 2018 c.12.

**Status:**

Point in time view as at 20/03/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020, PART 5.