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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 322**

**The Health Protection (Coronavirus) (International Travel  
and Operator Liability) (Scotland) Regulations 2021**

**PART 9**

Information sharing

**Power to use and disclose information**

**47.**—(1) This Part 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 (3).

(2) P may only use relevant information where it is necessary—

- (a) for the purpose of carrying out a function 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,
- (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraphs (a) or (b).

(3) 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 have the effect of requiring the isolation or quarantine of persons who have been outside the common travel area, for any of the purposes mentioned in subparagraph (b),
- (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) for a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).
- (4) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B (see regulation 48(1)(c)) the following information—
- (a) confirmation that B possesses a testing package (within the meaning of regulation 11(3)) 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 the 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) Nothing in this regulation limits 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) In paragraph (7), “the data protection legislation” and “personal data” have the meanings given in section 3 of the Data Protection Act 2018(1).

#### **Meaning of “relevant information”**

- 48.—**(1) For the purposes of regulation 47, “relevant information” means—
- (a) passenger information,
  - (b) passenger information from elsewhere in the UK,
  - (c) where a person (“B”) is required to comply with Part 5 or Part 6 of these Regulations—
    - (i) the details of any 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 isolation package,
    - (iv) the details of any location in which B undertakes any period of managed 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 isolation package including—
      - (aa) B’s room number,
      - (bb) the personal details of any of B’s co-habitants,
      - (cc) 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 isolation,

- (vii) information relating to B obtained by P in the course of providing any service in connection with a managed isolation package,
  - (d) where B is required to obtain a testing package (within the meaning of regulation 11(3), or undertake a day 2 or day 8 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,
    - (iii) the results of a test undertaken by B (whether or not that test was provided as part of a testing package),
    - (iv) 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—
      - (aa) confirmation that the test was undertaken,
      - (bb) details of when and where it was undertaken,
      - (cc) any reasons for a test not being undertaken,
      - (dd) the details of any replacement test to be undertaken,
  - (e) where a sample taken in respect of a day 2 test (within the meaning of regulation 11(3)) 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,
  - (f) information provided to an immigration officer pursuant to these Regulations,
  - (g) information provided by, or on behalf of, a person by way of explanation of for failing to comply with regulation 4 or 8,
  - (h) information about the steps taken, pursuant to these Regulations, in relation to a person, including details of any fixed penalty notice issued under these Regulations.
- (2) In this regulation, “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.