



Audit Commission Act 1998 (repealed)

1998 CHAPTER 18

[^{F1}PART 2A

DATA MATCHING

[^{F1}32D Disclosure of results of data matching etc

- (1) This section applies to the following information—
 - (a) information relating to a particular body or person obtained by or on behalf of the Commission for the purpose of conducting a data matching exercise,
 - (b) the results of any such exercise.
- (2) Information to which this section applies may be disclosed by or on behalf of the Commission if the disclosure is—
 - (a) for or in connection with a purpose for which the data matching exercise is conducted,
 - (b) to a body mentioned in subsection (3) (or a related party) for or in connection with a function of that body corresponding or similar to the functions of an auditor under Part 2 or the functions of the Commission under this Part, or
 - (c) in pursuance of a duty imposed by or under a statutory provision.
- (3) The bodies are—
 - (a) the Auditor General for Wales,
 - (b) the Auditor General for Scotland,
 - (c) the Accounts Commission for Scotland,
 - (d) Audit Scotland,
 - (e) the Comptroller and Auditor General for Northern Ireland,
 - (f) a person designated as a local government auditor under Article 4 of the Local Government (Northern Ireland) Order 2005 ([S.I. 2005/1968 \(N.I.18\)](#)).
- (4) “Related party”, in relation to a body mentioned in subsection (3), means—
 - (a) a body or person acting on its behalf,

Status: Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Section 32D. (See end of Document for details)

- (b) a body whose accounts are required to be audited by it or by a person appointed by it,
 - (c) a person appointed by it to audit those accounts.
- (5) If the data used for a data matching exercise include patient data—
- (a) subsection (2)(a) applies only so far as the purpose for which the disclosure is made relates to a relevant NHS body,
 - (b) subsection (2)(b) applies only so far as the function for or in connection with which the disclosure is made relates to such a body.
- (6) In subsection (5)—
- (a) “patient data” has the same meaning as in section 32C,
 - (b) “relevant NHS body” means—
 - (i) a health service body,
 - (ii) a Welsh NHS body,
 - (iii) an NHS body as defined in section 22(1) of the Community Care and Health (Scotland) Act 2002 (asp 5),
 - (iv) a body to which Article 90 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I.14)) applies.
- (7) Information disclosed under subsection (2) may not be further disclosed except—
- (a) for or in connection with the purpose for which it was disclosed under paragraph (a) or the function for which it was disclosed under paragraph (b) of that subsection,
 - (b) for the investigation or prosecution of an offence (so far as the disclosure does not fall within paragraph (a)), or
 - (c) in pursuance of a duty imposed by or under a statutory provision.
- (8) Except as authorised by subsections (2) and (7), a person who discloses information to which this section applies is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (9) Section 49 does not apply to information to which this section applies.
- (10) In this section, “body” includes office.]

Textual Amendments

F1 Pt. 2A inserted (1.3.2008 for the insertion of s. 32G(1)(3)(4); 6.4.2008 in force so far as not already in force) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 7 para. 2](#); [S.I. 2008/219](#), art. 3(h); [S.I. 2008/755](#), art. 16(a)

Modifications etc. (not altering text)

C1 S. 32D(8)(b) modified (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 13 para. 9(a); [S.I. 2008/755](#), art. 16(c)

Status:

Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Section 32D.