



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 10

PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

Disclosure notices

150 Protection of personal information disclosed for purposes of proceedings

- (1) Information obtained from personal records produced in compliance with a notice under section 145 is “protected information” for the purposes of this section if—
 - (a) a person (“the discloser”), in accordance with section 149(3), discloses the information for the purposes of any proceedings, and
 - (b) either—
 - (i) the identity of the individual in question can be ascertained from the information itself, or
 - (ii) the discloser has reasonable cause to believe that it will be possible for a person who obtains the information as a direct or indirect consequence of the disclosure to ascertain the individual's identity from that information taken with other information obtained by virtue of section 145 or 146 and disclosed by or on behalf of the Welsh Ministers.
- (2) The discloser must take all reasonable steps to ensure that, once disclosed by him in accordance with section 149(3), the protected information is not further disclosed to any person who is not someone to whom it is necessary to disclose the information for any purpose connected with the proceedings mentioned in subsection (1)(a).
- (3) In subsection (2) the reference to further disclosure of the information does not include any such disclosure—
 - (a) by way of evidence in any proceedings, or
 - (b) in accordance with an enactment or order of a court or tribunal.

Status: Point in time view as at 01/04/2013.

Changes to legislation: National Health Service (Wales) Act 2006, Section 150 is up to date with all changes known to be in force on or before 03 July 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)

- (4) The Welsh Ministers must make provision, whether in a code of practice issued under section 148 or otherwise, for requiring any person disclosing protected information in accordance with section 149(3) to ensure, by the use of a distinguishing mark or in some other way, that the information is clearly identified as protected information for the purposes of this section.
- (5) Information that appears to be protected information must not be disclosed by way of evidence in any proceedings unless—
 - (a) the whole of the proceedings are held in private, or
 - (b) in any other case, the information is disclosed in accordance with permission given by the court or tribunal on an application under subsection (6).
- (6) If, on an application by a party to—
 - (a) proceedings before a court, or
 - (b) proceedings of any description before a tribunal that sits, or may sit, in public during the whole or part of proceedings of that description,the court or tribunal is satisfied that it is in the interests of justice for any information that appears to be protected information to be disclosed by way of evidence in the proceedings, it may give permission for the information to be so disclosed, on such terms as it thinks fit.
- (7) When determining such an application, the court or tribunal must consider whether, in the interests of protecting the identity of the individual to whom the information relates, the whole or part of the proceedings should be held in private.
- (8) If the court or tribunal is satisfied that the whole or part of the proceedings should be held in private, it must give such directions, or take such other steps, as appear to it to be appropriate.
- (9) In this section “proceedings” means—
 - (a) criminal or civil proceedings, or
 - (b) relevant disciplinary proceedings (as defined by section 149(4)).

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

National Health Service (Wales) Act 2006, Section 150 is up to date with all changes known to be in force on or before 03 July 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.