

SCHEDULES

SCHEDULE 9

DATA MATCHING

Disclosure of results of data matching etc

- 4 (1) This paragraph applies to the following information—
- (a) information relating to a particular body or person obtained by or on behalf of a relevant minister for the purpose of conducting a data matching exercise, and
 - (b) the results of any such exercise.
- (2) Information to which this paragraph applies may be disclosed by or on behalf of the minister if the disclosure—
- (a) is for or in connection with a purpose for which the data matching exercise is conducted,
 - (b) is to a local auditor and is made for or in connection with the auditor's functions,
 - (c) is in pursuance of a duty imposed by or under an enactment, or
 - (d) is within sub-paragraph (3).
- (3) A disclosure is within this sub-paragraph if it is—
- (a) to a relevant audit authority or a related party, and
 - (b) for or in connection with a function of the relevant audit authority corresponding or similar to—
 - (i) the functions of a local auditor, or
 - (ii) the functions of a relevant minister under this Schedule.
- (4) “Relevant audit authority” means—
- (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 ([SI 2005/1968 \(N.I.18\)](#)).
- (5) The related parties in relation to a relevant audit authority are—
- (a) a body or person acting on the authority's behalf,
 - (b) a body whose accounts are required to be audited by the authority or by a person appointed by the authority, and
 - (c) a person appointed by the authority to audit those accounts.
- (6) If the data used for a data matching exercise include patient data—

Status: This is the original version (as it was originally enacted).

- (a) sub-paragraph (2)(a) applies only so far as the purpose for which the disclosure is made relates to a relevant NHS body;
 - (b) sub-paragraph (2)(b) or (d) applies only so far as the function for or in connection with which the disclosure is made relates to a relevant NHS body.
- (7) Information disclosed under sub-paragraph (2) may not be further disclosed except—
- (a) in the case of information disclosed under sub-paragraph (2)(a), for or in connection with the purpose for which it was disclosed under that sub-paragraph,
 - (b) in the case of information disclosed under sub-paragraph (2)(b) or under sub-paragraphs (2)(d) and (3), for or in connection with the function for which it was disclosed under that sub-paragraph or those sub-paragraphs,
 - (c) for the investigation or prosecution of an offence (so far as the disclosure does not fall within paragraph (a) or (b)), or
 - (d) in pursuance of a duty imposed by or under an enactment.
- (8) A person who discloses information to which this paragraph applies, except so far as that disclosure is authorised by sub-paragraph (2) or (7), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offence in sub-paragraph (8) as if it were a relevant offence (as defined in section 85(3) of that Act), and
 - (b) regulations described in section 85(11) of that Act may amend or otherwise modify sub-paragraph (8).
- (10) Schedule 11 (restriction on disclosure of information obtained under this Act) does not apply to information to which this paragraph applies.
- (11) In this paragraph “enactment” includes—
- (a) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (12) In sub-paragraph (6)—
- “patient data” has the same meaning as in paragraph 3(5);
 - “relevant NHS body” means—
- (a) a health service body;
 - (b) an NHS foundation trust;
 - (c) the NHS Commissioning Board;
 - (d) a Welsh NHS body as defined in section 60 of the Public Audit (Wales) Act 2004;
 - (e) an NHS body as defined in section 22(1) of the Community Care and Health (Scotland) Act 2002;
 - (f) a health and social care body mentioned in paragraphs (a) to (e) of section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.