

^{F1}SCHEDULE 1

Regulation 2

SPECIFIED PUBLIC AUTHORITIES

Textual Amendments

- F1** Sch. 1 revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 243(2) (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1), Sch. 3 para. 3(2); S.I. 2024/269, reg. 2

SCHEDULE 2

Regulations 2 and 3

CONDITIONS FOR PERMITTED DISCLOSURE

^{F2}**PART 1**

Disclosure to specified public authorities

Textual Amendments

- F2** Sch. 2 Pt. 1 revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 243(2) (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1), Sch. 3 para. 3(2); S.I. 2024/269, reg. 2

PART 2

Disclosure to a credit reference agency

5. Paragraphs 6 to 10 set out the conditions specified for the disclosure of protected information by the registrar to a credit reference agency.

6.—^{F3}(1) The credit reference agency—

- (a) is carrying on in the United Kingdom ^{F4}... a business comprising the furnishing of information relevant to the financial standing of individuals, being information collected by the agency for that purpose;
- (b) maintains appropriate procedures—
 - (i) to ensure that an independent person can investigate and audit the measures maintained by the agency for the purposes of ensuring the security of any protected information disclosed to that agency; and
 - ^{F5}(ii) for the purposes of ensuring that it complies with its ^{F6}obligations under the data protection legislation (as defined in section 3 of the Data Protection Act 2018);]
- (c) has not been found guilty of an offence under—

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disclosure of Address) Regulations 2009. (See end of Document for details)

- [^{F7}(i) section 1112 (false statements: basic offence) or section 1112A (false statements: aggravated offence) of the Act or section 2 of the Fraud Act 2006 (fraud by false representation);]
- (ii) section 47 (failure to comply with enforcement notice) of the Data Protection Act 1998 in circumstances where it has used the protected information for purposes other than those described in sub-paragraphs (a) to (e) of paragraph 7 below [^{F8}; or
- (iii) section 144 of the Data Protection Act 2018 (false statements made in response to an information notice) or section 148 of that Act (destroying or falsifying information and documents etc)];
- [^{F9}(d) has not been given a penalty notice under section 155 of the Data Protection Act 2018 in circumstances described in paragraph (c)(ii), other than a penalty notice that has been cancelled.]
- ^{F10}(2)

Textual Amendments	
F3	Sch. 2 para. 6 renumbered as Sch. 2 para. 6(1) (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 339(2) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
F4	Words in Sch. 2 para. 6(1)(a) omitted (31.12.2020) by virtue of The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, Sch. 2 para. 10(b)(i) (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)
F5	Sch. 2 para. 6(1)(b)(ii) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 339(3) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
F6	Words in Sch. 2 para. 6(1)(b)(ii) substituted (31.12.2020) by The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, Sch. 2 para. 10(b)(ii) (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)
F7	Sch. 2 para. 6(1)(c)(i) substituted (21.3.2024) by The Economic Crime and Corporate Transparency Act 2023 (Consequential, Supplementary and Incidental Provisions) Regulations 2024 (S.I. 2024/410), reg. 1(2), Sch. 2 para. 3(4)(a)
F8	Sch. 2 para. 6(1)(c)(iii) and word inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 339(4)(b) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
F9	Sch. 2 para. 6(1)(d) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 339(5) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
F10	Sch. 2 para. 6(2) omitted (31.12.2020) by virtue of The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, Sch. 2 para. 10(b)(iii) (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)

7. The credit reference agency has delivered to the registrar a statement that it intends to use the protected information only for the purposes of—
- (a) providing an assessment of the financial standing of a person;
 - (b) meeting any obligations contained in [^{F11}the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017] or any [^{F12}rules made pursuant to section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons]^{F13} ...;
 - (c) conducting conflict of interest checks required or made necessary by any enactment;
 - (d) the provision of protected information to—

- [^{F14}(i) a person to whom the registrar could disclose information under section 1110F (disclosure by the registrar) of the Act; or]
- (ii) a credit reference agency which has satisfied the requirements of this Part of this Schedule; or
- (e) conducting checks for the prevention and detection of crime and fraud.

Textual Amendments

- F11** Words in Sch. 2 para. 7(b) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 25(a)** (with regs. 8, 15)
- F12** Words in Sch. 2 para. 7(b) substituted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), art. 1(1), **Sch. 2 para. 157(b)**
- F13** Words in Sch. 2 para. 7(b) omitted (31.12.2020) by virtue of The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, **Sch. 2 para. 10(c)** (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Sch. 2 para. 7(d)(i) substituted (21.3.2024) by The Economic Crime and Corporate Transparency Act 2023 (Consequential, Supplementary and Incidental Provisions) Regulations 2024 (S.I. 2024/410), reg. 1(2), **Sch. 2 para. 3(4)(b)**

8. The credit reference agency has delivered to the registrar a statement that it intends to take delivery of and to use the protected information only in the United Kingdom ^{F15}....

Textual Amendments

- F15** Words in Sch. 2 para. 8 omitted (31.12.2020) by virtue of The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, **Sch. 2 para. 10(d)** (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)

9. The credit reference agency has delivered to the registrar a statement that it will, where it supplies a copy of the protected information to a processor for the purpose of processing the information for use in respect of the purposes referred to in paragraph 7—

- (a) ensure that the processor is one who carries on business in the [^{F16}United Kingdom];
- (b) require that the information is not transmitted outside the [^{F17}United Kingdom] by the processor; and
- (c) require that the processor does not disclose the information except to the credit reference agency or an employee of the credit reference agency.

Textual Amendments

- F16** Words in Sch. 2 para. 9(a) substituted (31.12.2020) by The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, **Sch. 2 para. 10(e)** (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Sch. 2 para. 9(b) substituted (31.12.2020) by The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, **Sch. 2 para. 10(e)** (with Sch. 4 para. 5) (as amended by S.I. 2020/523, regs. 1(2), 20); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disclosure of Address) Regulations 2009. (See end of Document for details)

10. The credit reference agency has delivered to the registrar a statement that it meets the conditions in paragraph 6 above.

PART 3

Interpretation of this Schedule

11.—(1) In this Schedule—

“processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to his employees; and

^{F18} ...

(2) In this Schedule any reference to—

(a) an employee of any person who has access to protected information shall be deemed to include any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service; and

^{F19}(b)

<p>Textual Amendments</p> <p>F18 Words in Sch. 2 para. 11(1) revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 243(2) (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1), Sch. 3 para. 3(2); S.I. 2024/269, reg. 2</p> <p>F19 Sch. 2 para. 11(2)(b) revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 243(2) (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1), Sch. 3 para. 3(2); S.I. 2024/269, reg. 2</p>
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Changes to legislation:

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