

<sup>F1</sup>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. 1087B (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), ss. 52(3), 219(1); S.I. 2024/269, reg. 2

SCHEDULE 2

Regulations 2 and 3

CONDITIONS FOR PERMITTED DISCLOSURE

<sup>F2</sup>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. 1087B (4.3.2024) by Economic Crime and Corporate Transparency Act 2023 (c. 56), ss. 52(3), 219(1); 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 [<sup>F3</sup>relevant date of birth information] by the registrar to a credit reference agency.

**Textual Amendments**

- F3** Words in Sch. 2 para. 5 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. 6(3)(a)

6.—<sup>F4</sup>(1) The credit reference agency—

- (a) is carrying on in the United Kingdom <sup>F5</sup>... 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—

**Changes to legislation:** There are currently no known outstanding effects for the The Companies (Disclosure of Date of Birth Information) Regulations 2015. (See end of Document for details)

- (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 [<sup>F6</sup>relevant date of birth information] disclosed to that agency; and
- [<sup>F7</sup>(ii) for the purposes of ensuring that it complies with its [<sup>F8</sup>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—
  - [<sup>F9</sup>(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 [<sup>F10</sup>relevant date of birth information] for purposes other than those described in sub-paragraphs (a) to (e) of paragraph 7 below [<sup>F11</sup>; 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);]
- [<sup>F12</sup>(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.]
- <sup>F13</sup>(2) .....

**Textual Amendments**

- F4** Sch. 2 para. 6(1): 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. 384(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F5** 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. 12(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)
- F6** Words in Sch. 2 para. 6(b)(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. 6(3)(b)(i)**
- F7** Sch. 2 para. 6(1)(b)(ii) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 384(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F8** 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. 12(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)
- F9** Sch. 2 para. 6(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. 6(3)(b)(ii)**
- F10** Words in Sch. 2 para. 6(c)(ii) 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. 6(3)(b)(iii)**
- F11** Sch. 2 para. 6(1)(c)(iii) and preceding word inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 384(4)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F12** Sch. 2 para. 6(1)(d) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 384(5)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**F13** 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. 12(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 [F14relevant date of birth information] only for the purposes of—

- (a) providing an assessment of the financial standing of a person;
- (b) meeting any obligations contained in [F15the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017] or any rules made pursuant to section 137A of the Financial Services and Markets Act 2000 <sup>M1</sup> which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons <sup>F16</sup> ...;
- (c) conducting conflict of interest checks required or made necessary by any enactment;
- (d) the provision of [F14relevant date of birth information] to—
  - [F17(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

- F14** Words in Sch. 2 para. 7 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. 6(3)(c)(i)**
- F15** 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. 32(a)** (with regs. 8, 15)
- F16** 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. 12(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)
- F17** 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. 6(3)(c)(ii)**

#### Marginal Citations

- M1** Section 137A was inserted by section 24 of the Financial Services Act 2012 c. 21.

8. The credit reference agency has delivered to the registrar a statement that it intends to take delivery of and to use the [F18relevant date of birth information] only in the United Kingdom <sup>F19</sup>....

#### Textual Amendments

- F18** Words in Sch. 2 para. 8 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. 6(3)(d)**

**Changes to legislation:** There are currently no known outstanding effects for the The Companies (Disclosure of Date of Birth Information) Regulations 2015. (See end of Document for details)

**F19** 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. 12(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 [<sup>F20</sup>relevant date of birth 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 [<sup>F21</sup>United Kingdom];
- (b) require that the information is not transmitted outside the [<sup>F22</sup>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

- F20** Words in Sch. 2 para. 9 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. 6(3)(e)**
- F21** 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. 12(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)
- F22** 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. 12(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)

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

[<sup>F23</sup>10A. The relevant date of birth information is not information to which regulation 34(1) of the Register of People with Significant Control Regulations 2016 (S.I. 2016/339) applies.]

#### Textual Amendments

- F23** Sch. 2 para. 10A inserted (4.3.2024) by The Registrar (Annotation, Removal and Disclosure Restrictions) Regulations 2024 (S.I. 2024/54), reg. 1(2)(b), **19(3)**; S.I. 2024/269, **reg. 2**

## 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 its employees; and

<sup>F24</sup> ...

(2) In this Schedule any reference to—

- (a) an employee of any person who has access to [<sup>F25</sup>relevant date of birth information] shall be deemed to include any person working or providing services for the purposes of that

**Changes to legislation:** There are currently no known outstanding effects for the The Companies (Disclosure of Date of Birth Information) Regulations 2015. (See end of Document for details)

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

<sup>F26</sup>(b) .....

**Textual Amendments**

- F24** Words in reg. 11(1) revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 1087B (4.3.2024) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 52(3)**, 219(1); S.I. 2024/269, **reg. 2**
- F25** Words in [Sch. 2 para. 11\(2\)\(a\)](#) 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. 6(3)(f)**
- F26** Reg. 11(2)(b) revoked by virtue of the substitution of the enabling provision 2006 c. 46, s. 1087B (4.3.2024) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 52(3)**, 219(1); S.I. 2024/269, **reg. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the The Companies (Disclosure of Date of Birth Information) Regulations 2015.