

SCHEDULE

4.—(1) Disclosure of information in accordance with this Schedule is not to be taken to breach any restrictions on the disclosure of information (however imposed).

(2) But nothing in this Schedule authorises a disclosure that—

(a) contravenes the data protection legislation, or

(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016(1).

(3) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000(2) by paragraph 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, sub-paragraph (2)(b) has effect as if it included a reference to that Part.

(4) Nothing in this Schedule is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.

(5) This Schedule does not limit the circumstances in which information may be disclosed apart from this Schedule.

(6) This Schedule does not limit the powers of the Treasury to impose conditions in connection with the discharge of their functions under article 6.

(7) In this Schedule —

“the data protection legislation” has the same meaning as in the Data Protection Act 2018(3) (see section 3 of that Act);

“privileged information” means information with respect to which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

(1) 2016 c.25. Parts 1 to 7 were amended by the Policing and Crime Act 2017 (c.3), section 33(9), Schedule 9, Data Protection Act 2018 (c.12), section 211(1)(a), Schedule 19, the Counter-Terrorism and Border Security Act 2019 (c.3), section 23, Schedule 4, the Crime (Overseas Production Orders) Act 2019, section 16, S.I. 2017/730, S.I. 2018/1123, S.I. 2018/1310, S.I. 2019/419 and S.I. 2019/939.

(2) 2000 c.23. There are amending instruments to Part 1 of this Act which are not relevant to these Regulations.

(3) 2018 c.12.