
WELSH STATUTORY INSTRUMENTS

2008 No. 3239

**The Controlled Drugs (Supervision of
Management and Use) (Wales) Regulations 2008**

PART 4

Co-operation between health bodies and other organisations

Responsible bodies requesting additional information be disclosed about relevant persons

26.—(1) If a responsible body has in its possession or control information relating to the management or use of controlled drugs by a relevant person that it considers to be of serious concern (which may be fitness to practise information that is unrelated to any specific instance of the management or use of a controlled drug), it may request in writing additional information in relation to the matter from any other responsible body which it considers may have relevant information.

(2) If a responsible body has received a request under paragraph (1)—

- (a) it must determine within a reasonable period of time whether or not to comply with the request; and
- (b) it may disclose any information relating to the management or use of controlled drugs by a relevant person which it reasonably considers to be relevant to the request.

(3) If the responsible body wishes to disclose information under this regulation which contains confidential information which relates to and can identify a patient, the responsible body must, so far as it is practical to do so, remove from the information the confidential information which relates to and can identify the patient.

(4) If the responsible body—

- (a) is unable, under paragraph (3), to remove from any information to be disclosed any confidential information which relates to and can identify a patient; or
- (b) considers it necessary to disclose information which contains the confidential information that relates to and can identify the patient,

the responsible body must, where practicable, obtain the consent of the patient to whom the information relates.

(5) A responsible body is not required to disclose information under this regulation if the disclosure—

- (a) would prejudice, or would be likely to prejudice, any investigation being conducted by the responsible body, or by any other responsible body, under any enactment;
- (b) would prejudice, or would be likely to prejudice, any civil or criminal proceedings; or
- (c) would involve disproportionate cost.

(6) Nothing in this regulation requires or permits any disclosure of information which is prohibited by or under any other enactment.

(7) In determining for the purposes of paragraph (6) whether disclosure is not prohibited by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act (disclosure required by law or made in connection with legal proceedings etc.), it is to be assumed that the disclosure is required by this regulation.