
WELSH STATUTORY INSTRUMENTS

2020 No. 574

**The Health Protection (Coronavirus,
International Travel) (Wales) Regulations 2020**

PART 5

Information sharing

Use and disclosure of information

- 17.—(1) In this regulation and regulation 18, “relevant information” means—
- (a) Welsh passenger information;
 - (b) other UK passenger information.
- (2) For the purposes of this regulation—
- (a) “Welsh passenger information” means—
 - (i) passenger information provided to the Secretary of State for the purpose of regulation 4 or 5;
 - (ii) information provided to the Secretary of State in a notification given under regulation 7(5)(b), 8(4) or 10(6);
 - [^{F1}(iii) where a person [^{F2}arranges or takes a test under regulation 6AB]—
 - (aa) information generated where the person arranges or takes a test;
 - (bb) information obtained by a public test provider (within the meaning given by [^{F3}regulation 6AB(2)(c)]) under [^{F4}regulation 6AB(6)];
 - (cc) the results of a test;
 - (dd) information recorded by a public test provider in the course of administering a test taken in accordance with [^{F5}regulation 6AB] (including confirmation that the test was taken, details of when and where it was taken, any reasons for a test not being taken and the details of any replacement test to be taken);
 - (iv) information provided to an immigration officer pursuant to [^{F6}regulation 6AB(11)];
 - (v) where a sample taken in respect of a day 2 test under [^{F7}regulation 6AB] has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed;]
 - (b) “other UK passenger information” means information provided to a person under provision in Regulations made as respects England, Scotland or Northern Ireland (as the case may be) that is equivalent to provision mentioned in sub-paragraph (a).
- (3) In this regulation, any reference to the holder of information is a reference to—
- (a) the Secretary of State;
 - (b) a person to whom the information was disclosed under paragraph (4) or (5);

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- [^{F8}(c) a public test provider;
(d) an immigration officer.]
- (4) The holder of Welsh passenger information may disclose it to another person (the “recipient”) in circumstances where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
 - (i) these Regulations, or
 - (ii) Regulations made as respects England, Scotland or Northern Ireland (as the case may be) that are equivalent to these Regulations;
 - (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus, or
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (5) The holder of other UK passenger information may disclose it to another person (the “recipient”) in circumstances where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under these Regulations;
 - (b) for the purpose of—
 - (i) preventing danger to public health in Wales as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus in Wales, or
 - (iii) giving effect in Wales to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (6) A holder of relevant information may not use the information otherwise than—
- (a) for the purpose of carrying out a function of the holder under these Regulations;
 - (b) in the case of Welsh passenger information, for a purpose described in paragraph (4)(b);
 - (c) in the case of other UK passenger information, for a purpose described in paragraph (5)(b);
 - (d) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a), (b) or (c).
- (7) Despite paragraphs (4), (5) and (6), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed or used under any other enactment or rule of law.
- (8) Disclosure which is authorised by this regulation does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (9) Nothing in this regulation authorises the disclosure of personal data where doing so contravenes the data protection legislation.
- (10) In [^{F9}paragraph (9)], “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018 ^{M1}.

Textual Amendments

- F1** Reg. 17(2)(a)(iii)-(v) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **10(a)** (with reg. 21)
- F2** Words in reg. 17(2)(a)(iii) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(a)(i)**
- F3** Words in reg. 17(2)(a)(iii)(bb) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(a)(ii)(aa)**
- F4** Words in reg. 17(2)(a)(iii)(bb) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(a)(ii)(bb)**
- F5** Words in reg. 17(2)(a)(iii)(dd) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(a)(iii)**
- F6** Words in reg. 17(2)(a)(iv) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(b)**
- F7** Words in reg. 17(2)(a)(v) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/584\)](#), regs. 1(2), **11(c)**
- F8** Reg. 17(3)(c)(d) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **10(b)** (with reg. 21)
- F9** Words in reg. 17(10) substituted (10.7.2020) by [The Health Protection \(Coronavirus, International Travel and Public Health Information to Travellers\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/714\)](#), regs. 1(2), **9(3)**

Commencement Information

- I1** Reg. 17 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

Marginal Citations

- M1** 2018 c. 12.

Self-incrimination

18.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

- (2) Where the information is used in [^{F10}such] proceedings ^{F11}... —
- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
- (b) no question relating to the information may be asked by or on behalf of the prosecution.

[^{F12}(2A) Paragraph (2) does not apply if the proceedings are for—

- (a) an offence under these Regulations,
- (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
- (c) an offence under section 1 of the Fraud Act 2006 (fraud), or

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- (d) an offence under section 2 or 3 of the Forgery and Counterfeiting Act 1981 (offence of copying or using a false instrument).]
- (3) Paragraph (2) does not apply if, in the proceedings—
- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
- (b) a question relating to the information is asked by or on behalf of that person.

Textual Amendments

- F10** Word in reg. 18(2) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **11(a)** (with reg. 21)
- F11** Words in reg. 18(2) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **11(b)** (with reg. 21)
- F12** Reg. 18(2A) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **11(c)** (with reg. 21)

Commencement Information

- I2** Reg. 18 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

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