
Changes to legislation: Local Audit and Accountability Act 2014, Cross Heading: Disclosure of results of data matching etc is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

DATA MATCHING

Disclosure of results of data matching etc

- 4 (1) This paragraph applies to the following information—
- (a) information relating to a particular body or person obtained by or on behalf of a relevant minister for the purpose of conducting a data matching exercise, and
 - (b) the results of any such exercise.
- (2) Information to which this paragraph applies may be disclosed by or on behalf of the minister if the disclosure—
- (a) is for or in connection with a purpose for which the data matching exercise is conducted,
 - (b) is to a local auditor and is made for or in connection with the auditor's functions,
 - (c) is in pursuance of a duty imposed by or under an enactment, or
 - (d) is within sub-paragraph (3).
- (3) A disclosure is within this sub-paragraph if it is—
- (a) to a relevant audit authority or a related party, and
 - (b) for or in connection with a function of the relevant audit authority corresponding or similar to—
 - (i) the functions of a local auditor, or
 - (ii) the functions of a relevant minister under this Schedule.
- (4) “Relevant audit authority” means—
- (a) the Auditor General for Wales;
 - (b) the Auditor General for Scotland;
 - (c) the Accounts Commission for Scotland;
 - (d) Audit Scotland;
 - (e) the Comptroller and Auditor General for Northern Ireland;
 - (f) a person designated as a local government auditor under Article 4 of the Local Government (Northern Ireland) Order 2005 (SI 2005/1968 (N.I.18)).
- (5) The related parties in relation to a relevant audit authority are—
- (a) a body or person acting on the authority's behalf,
 - (b) a body whose accounts are required to be audited by the authority or by a person appointed by the authority, and
 - (c) a person appointed by the authority to audit those accounts.
- (6) If the data used for a data matching exercise include patient data—

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- (a) sub-paragraph (2)(a) applies only so far as the purpose for which the disclosure is made relates to a relevant NHS body;
 - (b) sub-paragraph (2)(b) or (d) applies only so far as the function for or in connection with which the disclosure is made relates to a relevant NHS body.
- (7) Information disclosed under sub-paragraph (2) may not be further disclosed except—
- (a) in the case of information disclosed under sub-paragraph (2)(a), for or in connection with the purpose for which it was disclosed under that sub-paragraph,
 - (b) in the case of information disclosed under sub-paragraph (2)(b) or under sub-paragraphs (2)(d) and (3), for or in connection with the function for which it was disclosed under that sub-paragraph or those sub-paragraphs,
 - (c) for the investigation or prosecution of an offence (so far as the disclosure does not fall within paragraph (a) or (b)), or
 - (d) in pursuance of a duty imposed by or under an enactment.
- (8) A person who discloses information to which this paragraph applies, except so far as that disclosure is authorised by sub-paragraph (2) or (7), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offence in sub-paragraph (8) as if it were a relevant offence (as defined in section 85(3) of that Act), and
 - (b) regulations described in section 85(11) of that Act may amend or otherwise modify sub-paragraph (8).
- (10) Schedule 11 (restriction on disclosure of information obtained under this Act) does not apply to information to which this paragraph applies.
- (11) In this paragraph “enactment” includes—
- (a) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (12) In sub-paragraph (6)—
- “patient data” has the same meaning as in paragraph 3(5);
 - “relevant NHS body” means—
- (a) a health service body;
 - (b) an NHS foundation trust;
 - (c) [^{F1}NHS England;]
 - (d) a Welsh NHS body as defined in section 60 of the Public Audit (Wales) Act 2004;
 - (e) an NHS body as defined in section 22(1) of the Community Care and Health (Scotland) Act 2002;
 - (f) a health and social care body mentioned in paragraphs (a) to (e) of section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

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Textual Amendments

- F1** Words in [Sch. 9 para. 4\(12\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\)](#), [Sch. 1 para. 23](#); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with regs. 13, 29, 30)
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Commencement Information

- I1** [Sch. 9 para. 4](#) in force at 1.4.2015 by [S.I. 2015/841, art. 3\(u\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2015/841 by [S.I. 2016/675 art. 2](#)