



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

### [<sup>F1</sup>CHAPTER 3

#### INFORMATION ABOUT ADULT SOCIAL CARE

##### Textual Amendments

- F1** Pt. 9 Ch. 3 inserted (31.7.2022 but only for the insertion of ss. 277A (for specified purposes), 277B, 277C) by [Health and Care Act 2022 \(c. 31\)](#), ss. 99, 186(6); S.I. 2022/734, reg. 3 (with regs. 13, 29, 30)

#### **277A Provision of adult social care information to Secretary of State**

- (1) The Secretary of State may require a relevant provider of adult social care services to provide the Secretary of State with information that relates to—
- the person on whom the requirement is imposed,
  - their activities in connection with the provision of adult social care in England, or
  - any person to whom they have provided—
    - adult social care in England, or
    - adult social care, outside England, in pursuance of arrangements made by an English local authority.
- (2) The Secretary of State may impose a requirement under subsection (1) only if the information is sought for purposes connected with the health care system, or adult social care system, in England.
- (3) A requirement under subsection (1) may specify—
- the form and manner in which information is to be provided, and

*Status: Point in time view as at 31/07/2022.*

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- (b) when information is to be provided.
- (4) A requirement under subsection (1) must be in writing.
- (5) The provision of information under this section—
  - (a) does not breach any obligation of confidence owed by the person providing it, but
  - (b) is subject to any express restriction on disclosure imposed by any enactment (other than a restriction which allows disclosure if authorised by an enactment).
- (6) For enforcement of requirements under subsection (1), see section 277E.
- (7) In this section—
  - “adult social care”—
    - (a) includes all forms of personal care and other practical assistance provided for individuals who, by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or any other similar circumstances, are in need of such care or other assistance, but
    - (b) does not include anything provided by an establishment or agency for which Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is the registration authority under section 5 of the Care Standards Act 2000;
  - “English local authority” means—
    - (a) a county council in England;
    - (b) a district council for an area in England for which there is no county council;
    - (c) a London borough council;
    - (d) the Common Council of the City of London (in its capacity as a local authority);
  - “relevant provider of adult social care services” means a person who is required to be registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of Part 1 of that Act) involving or connected with the provision of adult social care.

## **277B Restrictions on onward disclosure of information**

- (1) Information provided under section 277A may not be disclosed by the Secretary of State except for purposes connected with the health care system, or adult social care system, in England.
- (2) Commercially sensitive information provided under section 277A may not be disclosed by the Secretary of State (even for the purposes mentioned in subsection (1)) unless the Secretary of State considers that the disclosure is appropriate, having taken into account the public interest as well as the interests of the person to whom the commercially sensitive information relates.
- (3) Subsections (1) and (2) do not restrict the disclosure of information where—
  - (a) the person to whom the information relates has consented to the disclosure,
  - (b) the information has previously been lawfully disclosed to the public,
  - (c) the disclosure is in accordance with any court order,

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- (d) the disclosure is necessary or expedient for the purposes of protecting the welfare of any individual,
  - (e) the disclosure is made to any person in circumstances where it is necessary or expedient for the person to have the information for the purpose of exercising functions of that person conferred under or by virtue of any provision of this or any other Act,
  - (f) the disclosure is in connection with the investigation of a criminal offence (whether or not in the United Kingdom), or
  - (g) the disclosure is for the purpose of criminal proceedings (whether or not in the United Kingdom).
- (4) In this section “commercially sensitive information” means commercial information whose disclosure the Secretary of State thinks might significantly harm the legitimate business interests of the person to whom it relates.

### **277C Directions to certain bodies to exercise functions under this Chapter**

- (1) The Secretary of State may direct the Health and Social Care Information Centre to exercise the functions of the Secretary of State under section 277A (and where a direction is given, section 277B applies accordingly).
- (2) The Secretary of State may direct a Special Health Authority performing functions only or mainly in respect of England to exercise the functions of the Secretary of State under section 277A (and where a direction is given, section 277B applies accordingly).
- (3) The Secretary of State may give directions to a body about the exercise of any functions that it is directed to exercise under subsection (1) or (2) (including directions as to the processing of information that the body obtains in exercising those functions).

### **277D Arrangements with third parties**

- (1) The Secretary of State may make arrangements for any person prescribed by regulations under this subsection to exercise the functions of the Secretary of State under section 277A (and where arrangements are made, section 277B applies accordingly).
- (2) Arrangements under subsection (1) may—
  - (a) provide for the Secretary of State to make payments to the person;
  - (b) make provision as to the circumstances in which any such payments are to be repaid to the Secretary of State.
- (3) Section 304(9) (differential provision) applies in relation to the power to make arrangements under subsection (1) as it applies to a power of the Secretary of State to give directions under this Act.]

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