

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *National Information Governance Board for Health and Social Care*

#### **Section 157 and section 158: National Information Governance Board for Health and Social Care**

526. **Section 157** establishes the National Information Governance Board for Health and Social Care.
527. **Section 157** inserts four new sections (250A to 250D) into the NHS Act 2006:
- Section 250A sets out the functions of the National Information Governance Board relating to England and how it will exercise these functions and defines the information that will be within the remit of the Board. It provides that the Board can issue advice without being requested to do so and can request information from organisations which fall within its remit and confirms that organisations have to give due regard to advice supplied by the Board.
  - Section 250B has the effect of giving the National Information Governance Board functions in relation to Wales that are narrower than its functions in relation to England. In relation to Wales, its functions will correspond to those currently carried out by PIAG, which in particular has functions in relation to the use of identifiable patient information without the patient's consent.
  - Section 250C details the regulations that the Secretary of State might make in respect of the National Information Governance Board. These may cover such matters as the composition of the Board, the committees or sub-committees that may be necessary, the terms of appointment of Board members, the payment of allowances or expenses, and the delegation of the Board's functions.
  - Section 250D details the annual reporting arrangements for the National Information Governance Board. The Board is to report to the Secretary of State on an annual basis.
528. **Section 157** provides that, when the National Information Governance Board is established as a statutory body, PIAG (which is the current statutory body and was continued by section 252 of the NHS Act 2006) will be abolished.
529. **Section 158** substitutes a new section for section 252 of the NHS Act 2006. It requires the Secretary of State to consult the National Information Governance Board where he proposes to make patient information regulations under section 251 of that Act.
530. **Schedule 14** inserts references to the National Information Governance Board into the Parliamentary Commissioner Act 1967, the House of Commons Disqualification Act 1975 and the Freedom of Information Act 2000. It also inserts references to the National Information Governance Board into section 271 of the NHS Act 2006 to indicate that some of its functions are exercisable in relation to England and Wales.