



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

#### *Information*

#### **79 Permitted disclosures**

- (1) Subsections (2) and (3) apply to any information obtained by the Commission in the course of exercising any of its functions.
- (2) In the case of information relating to an individual, the Commission may disclose the information if—
  - (a) the disclosure is made in a form in which the individual is not identified, or
  - (b) the disclosure is made with the consent of the individual.
- (3) In all cases (whether or not relating to an individual), the Commission may disclose the information if—
  - (a) the information has previously been lawfully disclosed to the public,
  - (b) the disclosure is made under or pursuant to regulations under section 113 or 114 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (complaints about health care or social services),
  - (c) the disclosure is made in accordance with any enactment or court order,
  - (d) the disclosure is necessary or expedient for the purposes of protecting the welfare of any individual,

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*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 79. (See end of Document for details)*

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- (e) the disclosure is made to any person or body in circumstances where it is necessary or expedient for the person or body to have the information for the purpose of exercising functions of that person or body under any enactment,
  - (f) the disclosure is made for the purpose of facilitating the exercise of any of the Commission's functions,
  - (g) the disclosure is made in connection with the investigation of a criminal offence (whether or not in the United Kingdom), or
  - (h) the disclosure is made for the purpose of criminal proceedings (whether or not in the United Kingdom).
- (4) Subsections (2) and (3) have effect notwithstanding any rule of common law which would otherwise prohibit or restrict the disclosure.
- (5) For the purposes of subsection (2)(a), information disclosed by the Commission is to be treated as being in a form in which an individual is identified if the individual can be identified from a combination of—
- (a) the information, and
  - (b) other information disclosed by the Commission.

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**Commencement Information**

**II** S. 79 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(i\)](#)

**Status:**

Point in time view as at 01/04/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 79.