



# Health and Social Care (Safety and Quality) Act 2015

## 2015 CHAPTER 28

### *Continuity of information*

#### **3 Duty to share information**

In Part 9 of the Health and Social Care Act 2012 (health and adult social care services: information), after section 251A (as inserted by section 2 of this Act) insert—

##### **“251B Duty to share information**

- (1) This section applies in relation to information about an individual that is held by a relevant health or adult social care commissioner or provider (“the relevant person”).
- (2) The relevant person must ensure that the information is disclosed to—
  - (a) persons working for the relevant person, and
  - (b) any other relevant health or adult social care commissioner or provider with whom the relevant person communicates about the individual,but this is subject to subsections (3) to (6).
- (3) Subsection (2) applies only so far as the relevant person considers that the disclosure is—
  - (a) likely to facilitate the provision to the individual of health services or adult social care in England, and
  - (b) in the individual’s best interests.
- (4) The relevant person need not comply with subsection (2) if the relevant person reasonably considers that one or more of the following apply—
  - (a) the individual objects, or would be likely to object, to the disclosure of the information;
  - (b) the information concerns, or is connected with, the provision of health services or adult social care by an anonymous access provider;

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*Status: This is the original version (as it was originally enacted).*

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- (c) for any other reason the relevant person is not reasonably able, or should not be required, to comply with subsection (2).
- (5) This section does not permit the relevant person to do anything which, but for this section, would be inconsistent with—
  - (a) any provision made by or under the Data Protection Act 1998, or
  - (b) a common law duty of care or confidence.
- (6) This section does not require the relevant person to do anything which the relevant person is required to do under a common law duty of care (and, accordingly, any such requirement is to be treated as arising under that common law duty and not under this section).”