



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 4

#### THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

##### *Protection of material held by the HSSIB*

#### **122 Prohibition on disclosure of HSSIB material**

- (1) The HSSIB, or an individual connected with the HSSIB, must not disclose protected material to any person.
- (2) In this Part “protected material” means any information, document, equipment or other item which—
  - (a) is held by the HSSIB, or an individual connected with the HSSIB, for the purposes of the HSSIB’s investigation function,
  - (b) relates to a qualifying incident (whether or not investigated by the HSSIB), and
  - (c) has not already been lawfully made available to the public.
- (3) In this Part “individual connected with the HSSIB” means—
  - (a) a member of the HSSIB,
  - (b) a member of a committee or sub-committee of the HSSIB,
  - (c) an investigator, or
  - (d) an individual (other than an investigator) who works for the HSSIB.
- (4) For the purposes of subsection (3)(d) an individual “works for” the HSSIB if the individual works—
  - (a) under a contract of employment with the HSSIB,
  - (b) under a contract of apprenticeship with the HSSIB,
  - (c) under a contract under which the individual undertakes to do or perform personally any work or services for the HSSIB, or

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 122. (See end of Document for details)*

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- (d) as an agency worker within the meaning of the Agency Workers Regulations 2010 (S.I. 2010/93) in circumstances where the HSSIB is the hirer within the meaning of those Regulations.
- (5) An individual who was, but has ceased to be, connected with the HSSIB must not disclose to any person, other than the HSSIB or an individual connected with the HSSIB, any information, document, equipment or other item held by that individual—
  - (a) which the individual obtained because they were connected with the HSSIB,
  - (b) which, at the time they ceased to be connected with the HSSIB, was protected material, and
  - (c) which has not already been lawfully made available to the public.

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**Commencement Information**

- I1** S. 122 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** [S. 122](#) in force at 1.10.2023 by [S.I. 2023/1035](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Section 122.