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STATUTORY INSTRUMENTS

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**2014 No. 3282**

**DATA PROTECTION**

**The Data Protection (Assessment Notices) (Designation of National Health Service Bodies) Order 2014**

<i>Made</i>	- - - -	<i>10th December 2014</i>
<i>Laid before Parliament</i>		<i>15th December 2014</i>
<i>Coming into force</i>	- -	<i>1st February 2015</i>

The Secretary of State, in exercise of the powers conferred by section 41A(2)(b) of the Data Protection Act 1998(1) and having consulted the Commissioner in accordance with section 67(3)(2) of that Act, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Data Protection (Assessment Notices) (Designation of National Health Service Bodies) Order 2014 and comes into force on 1st February 2015.

**Designation for purposes of section 41A of the Data Protection Act 1998**

2. The public authorities listed in the Schedule to this Order are designated for the purposes of section 41A of the Data Protection Act 1998.

10th December 2014

*Simon Hughes*  
Minister of State for Justice and Civil Liberties  
Ministry of Justice

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(1) 1998 c. 29; section 41A was inserted by section 173 of the Coroners and Justice Act 2009 (c. 25).  
(2) Section 67(3) was amended by SI 2003/1887.

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## SCHEDULE

Article 2

### PART 1

#### *Designated public authorities: England and Wales*

1. The National Health Service Commissioning Board.
2. A clinical commissioning group established under section 14D of the National Health Service Act 2006<sup>(3)</sup>.
3. A special health authority established under section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006<sup>(4)</sup>.
4. A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.
5. A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.
6. An NHS foundation trust.
7. A Community Health Council established under section 182 of the National Health Service (Wales) Act 2006.
8. Any person providing primary medical services—
  - (a) in accordance with arrangements made under section 92 of the National Health Service Act 2006<sup>(5)</sup> or section 50 of the National Health Service (Wales) Act 2006; or
  - (b) under a contract under section 84 of the National Health Service Act 2006<sup>(6)</sup> or section 42 of the National Health Service (Wales) Act 2006,

in respect of personal data contained in information relating to the provision of those services.

9. The Health and Social Care Information Centre.

### PART 2

#### *Designated public authorities: Northern Ireland*

10. A Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991<sup>(7)</sup>.
11. A special agency established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990<sup>(8)</sup>.
12. Any person providing primary medical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(9)</sup>, in respect of personal data contained in information relating to the provision of those services.

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<sup>(3)</sup> 2006 c. 41; section 14D was inserted by section 25(1) of the Health and Social Care Act 2012 (c. 7).

<sup>(4)</sup> 2006 c. 42.

<sup>(5)</sup> Section 92 was amended by the Health and Social Care Act 2012, section 55(1) and Schedule 4, Part 4, paragraphs 36(1) to (5).

<sup>(6)</sup> Section 84 was amended by the Health and Social Care Act 2012, section 55(1) and Schedule 4, Part 4, paragraphs 31(1) to (4).

<sup>(7)</sup> SI 1991/194.

<sup>(8)</sup> SI 1990/247.

<sup>(9)</sup> SI 1972/1265.

13. The Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009<sup>(10)</sup>.

14. The Patient and Client Council established under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

15. The Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

16. The Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

### PART 3

#### *Designated public authorities: Scotland*

17. The Common Services Agency for the Scottish Health Service.

18. A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(11)</sup>.

19. The National Waiting Times Centre Board.

20. A local health council established under section 7 of the National Health Service (Scotland) Act 1978.

21. NHS 24.

22. NHS Education for Scotland.

23. NHS Health Scotland.

24. Healthcare Improvement Scotland.

25. Any person providing primary medical services under a general medical services contract within the meaning of the National Health Service (Scotland) Act 1978.

26. The Scottish Ambulance Service Board.

27. The State Hospitals Board for Scotland.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates public authorities for the purposes of section 41A of the Data Protection Act 1998 (“the 1998 Act”). The effect of a public authority being designated for this purpose is that it may be served with an assessment notice enabling the Commissioner to determine whether the

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<sup>(10)</sup> 2009 c.1.

<sup>(11)</sup> 1978 c.29; amended by section 10 of the National Health Service (Primary Care) Act 1997 (c. 46), and SI 1990/2639, 1993/577, 1995/574.

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public authority has, in its capacity as a data controller, complied or is complying with the data protection principles.

Article 2 designates the public authorities listed in the Schedule. The authorities designated are a number of health service bodies in England and Wales, Northern Ireland and Scotland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.