



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 10

GENERAL AND MISCELLANEOUS

General and miscellaneous

117 Disclosure of information

- (1) A relevant authority may disclose information held by it to another relevant authority for the purpose of facilitating the exercise of functions under a provision of—
 - (a) this Act; or
 - (b) any other enactment relating to the protection of public health.
- (2) A relevant authority may disclose information held by it to any other person if the authority considers that it is necessary to do so for the purposes of, or in connection with, the protection of public health.
- (3) An employee of the relevant authority authorised by it to make the disclosure or any other person so authorised may disclose information under subsection (1) or (2).
- (4) Information may be disclosed—
 - (a) in the case of disclosure under subsection (1), to any employee of the other relevant authority authorised by it to receive the information or to any other person so authorised;
 - (b) in the case of disclosure under subsection (2), to any employee of the other person authorised by that other person to receive the information or to any other person so authorised.
- (5) Information may be disclosed under subsection (1) or (2) despite any prohibition or restriction on such disclosure imposed by or under any enactment or rule of law.
- (6) But subsection (5) does not affect the application of [F1the data protection legislation] to disclosure of information under subsection (1) or (2).
- (7) No person is to be subject to any civil or criminal liability in consequence of any disclosure made by virtue of this section.

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 117. (See end of Document for details)

[^{F2}(7A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

^{F3}(8) In this section, “relevant authority” means—

- (a) a health board;
- (b) a special health board;
- (c) a local authority;
- (d) the common services agency;
- [^{F3}(da) Healthcare Improvement Scotland;]
- (e) the Scottish Ministers.

(9) The Scottish Ministers may by regulations modify the meaning of “relevant authority” in subsection (8).

(10) Regulations under subsection (9) may modify any enactment (including this Act).

(11) Any person who, by virtue of this Act—

- (a) must or may provide information; or
- (b) provides or receives information for the purposes of any provision of this Act, must have regard to any guidance given by the Scottish Ministers.

Textual Amendments

- F1** Words in s. 117(6) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 155(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F2** S. 117(7A) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 155(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F3** S. 117(8)(da) inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 17 para. 37(b)**; S.S.I. 2010/321, art. 3, Sch.; S.S.I. 2011/122, art. 2, Sch.
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Commencement Information

- I1** S. 117 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 117.