



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 2

#### REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

##### *Regulation, code of practice and guidance*

#### **[<sup>F1</sup>20A Functions relating to processing of information by registered persons**

- (1) The Commission has the following functions in relation to the processing of relevant information—
  - (a) to monitor the practice followed by registered persons in relation to such processing, and
  - (b) to keep [<sup>F2</sup>NHS England]<sup>F3</sup> ... informed about the practice being followed by registered persons in relation to such processing.
- (2) The Commission must, in exercising those functions, seek to improve the practice followed by registered persons in relation to the processing of relevant information.
- (3) In this section “relevant information” means—
  - (a) patient information,
  - (b) any other information obtained or generated in the course of the provision of the health service continued under section 1 of the National Health Service Act 2006,
  - (c) any other information obtained or generated in the course of the exercise by an English local authority of its adult social services functions, and

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 20A. (See end of Document for details)*

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- (d) any other information obtained or generated in the course of the carrying on by an English local authority of adult placement schemes in connection with which arrangements are made for the provision of personal care.
- (4) In subsection (3) “patient information” means—
- (a) information (however recorded) which relates to the physical or mental health or condition of an individual (“P”), to the diagnosis of P’s condition or to P’s care or treatment, and
  - (b) information (however recorded) which is to any extent derived, directly or indirectly, from that information,
- whether or not the identity of the individual in question is ascertainable from the information.
- (5) In this section—
- “adult placement scheme” and “personal care” each have such meaning as they have from time to time in regulations under section 20;
- “processing”, in relation to information, has the same meaning as in <sup>F4</sup>Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act);
- “registered person” means a person registered under this Chapter as a manager or service provider in respect of a regulated activity.]

#### **Textual Amendments**

- F1** S. 20A inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 280(3)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 20A substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 20A(1)(b) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 35**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 20A(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 153** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 20A.