



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

CHAPTER 2

[^{F1}NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.]

Functions: information systems

260 Publication of information

- (1) [^{F1}NHS England] must publish all information which it obtains by complying with a direction under section 254 or a request under section 255 unless the information falls within subsection (2); and, subject to subsection (3), if the information falls within that subsection, [^{F1}NHS England] must not publish it.
- (2) Information falls within this subsection if—
 - (a) the information is in a form which identifies any relevant person to whom the information relates or enables the identity of such a relevant person to be ascertained and [^{F2}NHS England], after taking into account the public interest as well as the interests of the relevant person, considers that it is not appropriate for the information to be published,
 - (b) the information is in a form which identifies any individual to whom the information relates who is not a relevant person or enables the identity of such an individual to be ascertained,
 - (c) [^{F2}NHS England] considers that—
 - (i) the information fails to meet the information standards published under section 250 (so far as they are applicable), and
 - (ii) it would not be in the public interest to publish the information, or

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- (d) the information is of a description specified in a direction given to [F²NHS England] by the Secretary of State F³....
- (3) A direction under section 254 may provide that the obligation to publish imposed by subsection (1) applies to information falling within subsection (2)(a) which is obtained by complying with the direction.
- (4) Where [F⁴NHS England] publishes information which it obtains by complying with F⁵... a mandatory request under section 255, [F⁴NHS England]—
- (a) must comply with the requirements (if any) specified in the F⁶... mandatory request as to the form, manner and timing of publication of the information, and
 - (b) may publish the information in such other form and such other manner, and at such other times, as it considers appropriate.
- (5) Where [F⁷NHS England] publishes information which it obtains by complying with a request under section 255 other than a mandatory request, [F⁷NHS England]—
- (a) may act in accordance with such provision (if any) as may be included in the request as to the form, manner and timing of publication of the information, and
 - (b) may publish the information in such other form and such other manner, and at such other times, as it considers appropriate.
- (6) In considering the appropriate form, manner and timing of publication of information under this section, [F⁸NHS England] must have regard to—
- (a) the need for the information to be easily accessible,
 - (b) the persons who [F⁸NHS England] considers likely to use the information, and
 - (c) the uses to which [F⁸NHS England] considers the information is likely to be put.
- (7) In this Chapter “relevant person” means—
- (a) any person who provides health care or adult social care, or
 - (b) any body corporate not falling within paragraph (a).

Textual Amendments

- F1** Words in s. 260(1) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(a)** (with reg. 3)
- F2** Words in s. 260(2) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(b)(i)** (with reg. 3)
- F3** Words in s. 260(2)(d) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(b)(ii)** (with reg. 3)
- F4** Words in s. 260(4) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(c)(i)(aa)** (with reg. 3)
- F5** Words in s. 260(4) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(c)(i)(bb)** (with reg. 3)

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- F6** Words in s. 260(4)(a) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(c)(ii)** (with reg. 3)
- F7** Words in s. 260(5) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(d)** (with reg. 3)
- F8** Words in s. 260(6) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(12)(d)** (with reg. 3)

Modifications etc. (not altering text)

- C1** Pt. 9 Ch. 2: power to amend conferred (1.7.2022) by 2021 c. 3, s 43(3) (as inserted by Health and Care Act 2022 (c. 31), ss. 101(5)(b), 186(6); S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30))

Commencement Information

- I1** S. 260 partly in force; s. 260 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 260 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)