



Health and Social Care Act 2012

2012 CHAPTER 7

PART 10

ABOLITION OF CERTAIN PUBLIC BODIES ETC

280 The National Information Governance Board for Health and Social Care

- (1) The National Information Governance Board for Health and Social Care is abolished.
- (2) Omit sections 250A to 250D of the National Health Service Act 2006 (which established the Board).
- (3) After section 20 of the Health and Social Care Act 2008 insert—

“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 the National Health Service Commissioning Board and Monitor 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,

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- (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
 - (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 the Data Protection Act 1998;
 - “registered person” means a person registered under this Chapter as a manager or service provider in respect of a regulated activity.”
- (4) In section 80(3) of that Act (persons Commission must consult before publishing code of practice on confidential personal information), for paragraph (a) substitute—
- “(a) the National Health Service Commissioning Board,”.
- (5) In section 252 of the National Health Service Act 2006 (consultation before making regulations on control of patient information), in subsection (1), for “the National Information Governance Board for Health and Social Care” substitute “the Care Quality Commission”; and in consequence of that—
- (a) for the title to that section substitute “Consultation with the Care Quality Commission”, and
 - (b) in section 271(3)(g) of that Act—
 - (i) for “sections” substitute “section”, and
 - (ii) omit “and 252 (consultation with National Information Governance Board)”.
- (6) The Care Quality Commission must exercise its power under paragraph 6(3) of Schedule 1 to the Health and Social Care Act 2008 so as to appoint a committee, to be known as “the National Information Governance Committee”, until 31 March 2015.
- (7) The purpose of the committee is to provide the Care Quality Commission with advice on and assistance with the exercise of its functions relating to the processing of relevant information within the meaning of section 20A of the Health and Social Care Act 2008.
- (8) Part 3 of Schedule 20 (which contains consequential amendments and savings) has effect.

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Commencement Information

II S. 280 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

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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. 251 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\(5\)](#)