

EXPLANATORY MEMORANDUM TO
THE NATIONAL INFORMATION GOVERNANCE BOARD
REGULATIONS 2008

2008 No. 2558

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 These Regulations establish the National Information Governance Board for Health and Social Care (NIGB) as provided for in Section 157 of the Health and Social Care Act 2008.

3. **Matters of special interest to the joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments.**

3.1 None

4. **Legislative Background**

These regulations:

(a) establish the National Information Governance Board which will be responsible for providing authoritative advice to organisations using NHS and social care information so that it is used in a safe, secure and ethical way. It will exercise the functions currently exercised by the Patient Information Advisory Group.

(b) abolish the Patient Information Advisory Group with effect from 1 January 2009.

5. **Territorial Extent and Application**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy Background**

7.1 The NIGB is being created under section 157 of the Health and Social Care Act 2008. It will be responsible for providing authoritative advice to organisations

using NHS and social care information so that it is used in a safe, secure and ethical way. Key functions of the Board will be:

- To advise organisations that use NHS and adult social care information on the interpretation of the laws, policies and procedures around information governance and will identify and share best practice.
 - To require NHS providers and local adult social services authorities regularly review their information governance policies and procedures to ensure they are fit for purpose, addressing any risks or deficiencies they identify in the process.
 - To have responsibility for the statutory arrangements currently overseen by the Patient Information Advisory Group (PIAG), namely arrangements which allow the Secretary of State to lift the common law duty of confidentiality in for a range of essential NHS activities and other medical purposes that are in the public interest.
 - To bring to the attention of the Secretary of State or appropriate regulator any non-compliance with its advice or concerns it had over issues of national significance relating to information governance practice.
8. An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
9. **Contact**

Sean Kirwan at the Department of Health Tel: 0113 397 4497 or email sean.kirwan@dh.gsi.gov.uk can answer any queries regarding this instrument.