

*These notes refer to the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (c.12) which received Royal Assent on 11 April 2016*

# Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

15. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

#### ***Section 1: Control of information of a relevant person***

Imposes a duty on the Department of Health, Social Services and Public Safety to make regulations in connection with the processing of information held within the Health and Social Care sectors, where this is in the public interest.

Regulations made under this section may make provision for:-

Authorising or requiring the disclosure of prescribed health care information;

Authorising the disclosure of prescribed social care information; and

Creating offences punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Regulations made under this section must make provision requiring that the processing of confidential information may only be undertaken when it is approved by a committee.

The section further sets out definitions of terms used within the Act.

#### ***Section 2: Establishment of committee to authorise processing of confidential information***

Imposes a duty on the Department of Health, Social Services and Public Safety to make regulations establishing a new committee to authorise the processing of confidential information under the Act and to disseminate information to the public about the operation of the Act and any other relevant matter, and in particular about the rights of relevant persons regarding the processing of confidential information of those persons. This section also enables the Department to set out in regulations the make-up of the committee, and its procedures.

### ***Section 3: Code of Practice***

Provides that the Department must prepare and publish a code of practice on the processing of information, and sets out how this may be reviewed. This section also places an obligation on Health and Social Care bodies, and any other person providing health and social care, to have due regard to this code of practice and provides that the code of practice is admissible in evidence in criminal and civil proceedings and may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

### ***Section 4: Regulations***

Enables the Department to make any further provisions under the Act, and provides that regulations under the Act will be subject to draft affirmative procedure in the Assembly.

### ***Section 5: Interpretation***

This section sets out the definitions of terms specific to the Act.

### ***Section 6: Short title and commencement***

Sets out how the Act should be titled, and when it shall come into effect.