



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Information

76 Disclosure of confidential personal information: offence

- (1) This section applies to information which—
 - (a) has been obtained by the Commission on terms or in circumstances requiring it to be held in confidence, and
 - (b) relates to and identifies an individual.
- (2) A person is guilty of an offence if the person knowingly or recklessly discloses information to which this section applies during the lifetime of the individual.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court], or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (4) In relation to an offence committed before [^{F2}May 2022], the reference in subsection (3)(a) to [^{F3}the general limit in a magistrates' court] is to be read as a reference to 6 months.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 76. (See end of Document for details)

- (5) For the purposes of subsection (1)(b), information obtained by the Commission is to be treated as identifying an individual if the individual can be identified from a combination of—
- (a) that information, and
 - (b) other information obtained by the Commission.
- (6) Reference in this section and in sections 77 to 80 to information obtained or disclosed by the Commission includes information obtained or disclosed by a person authorised by the Commission.

Textual Amendments

- F1** Words in s. 76(3)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 76(4) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 76(4) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I1** S. 76 in force at 1.10.2008 by [S.I. 2008/2497](#), **art. 2(i)**

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 76.