



Health and Social Care (National Data Guardian) Act 2018

2018 CHAPTER 31

1 National Data Guardian for Health and Social Care

- (1) The Secretary of State must appoint an individual to hold office as the National Data Guardian for Health and Social Care (in this Act, “the Data Guardian”).
- (2) The Data Guardian may publish guidance about the processing of health and adult social care data in England.
- (3) The following must have regard to such guidance—
 - (a) a public body exercising functions that relate to the health service, adult social care or adult carer support in England;
 - (b) a person (other than a public body) providing—
 - (i) services as part of the health service,
 - (ii) adult social care, or
 - (iii) adult carer support,pursuant to arrangements with a public body falling within paragraph (a).
- (4) The Data Guardian must keep under review any guidance that has been published and has effect.
- (5) The Data Guardian may revise any guidance as the Data Guardian considers appropriate, but if any guidance is revised, the guidance must be published as revised.
- (6) Before publishing any guidance, the Data Guardian must consult such persons as the Data Guardian considers appropriate.
- (7) The Data Guardian may give advice and information about, and assistance in relation to, the processing of health and adult social care data in England.
- (8) The power to publish guidance or to give advice, information and assistance may (as well as being exercised in relation to all cases to which it extends) be exercised in relation to—
 - (a) those cases subject to specified exceptions, or

Status: This is the original version (as it was originally enacted).

- (b) particular cases or classes of case.
- (9) Nothing in subsection (3) requires a public body or person to have regard to guidance that is not relevant to the functions of the body or the activities of the person that are mentioned in that subsection.
- (10) Schedule 1 makes further provision about the Data Guardian.