



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 4

#### FURTHER PROVISION ABOUT DETERMINING ENTITLEMENT

#### *[<sup>F1</sup>Non-disclosure of health information]*

#### **[<sup>F1</sup>62A Non-disclosure of information about individual's health**

- (1) This section applies in relation to a duty of the Scottish Ministers arising from section 38(5), 40(1), 41(6), 42(2), 44(1) or 53(2) to inform a person (“the recipient”) of certain things in connection with the determination of an individual's entitlement to assistance.
- (2) Nothing in the duty is to be regarded as requiring the Scottish Ministers to disclose information if subsection (3) applies to it.
- (3) This subsection applies to information if—
  - (a) it relates to the physical or mental health of the individual, and
  - (b) a registered medical practitioner or a registered nurse has informed the Scottish Ministers that disclosure of the information would be likely to cause serious harm to the physical or mental health of the recipient.]

#### **Textual Amendments**

- F1** S. 62A and cross-heading inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 3\(2\), 18\(2\)\(3\); S.S.I. 2021/232, reg. 2\(b\)](#)

**Changes to legislation:**

Social Security (Scotland) Act 2018, Section 62A is up to date with all changes known to be in force on or before 17 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)