



# Social Security Administration and Tribunal Membership (Scotland) Act 2020

2020 asp 18

## PART 1

### SOCIAL SECURITY ADMINISTRATION

#### *Non-disclosure of health information*

### **3 Determination of entitlement to assistance: non-disclosure of information**

- (1) The Social Security (Scotland) Act 2018 is modified as follows.
- (2) After section 62 insert—

#### *“Non-disclosure of health information*

#### **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.”.