



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.”.

Changes to legislation: There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Section 3. (See end of Document for details)

Commencement Information

II [S. 3](#) in force at 26.7.2021 by [S.S.I. 2021/232](#), [reg. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Section 3.