

*These notes refer to the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (c.12) which received Royal Assent on 11 April 2016*

# Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016

---

## **EXPLANATORY NOTES**

### **BACKGROUND**

6. Every individual in Northern Ireland will use the services of the Health and Social Care sector at some point in their lives. In presenting for care from their GP, hospital consultant or other health or social care professional these individuals will provide information about themselves, in confidence, to help with the identification and treatment of their health condition or social care need. The information is provided under the common law duty of confidence to help resolve the individual's difficulties and improve their health and/or social care. This is called "primary use". Any further use of this information beyond the direct care of the individual is called "secondary use".
7. The risk of not having robust provisions is that the benefits to be derived from secondary use are not realised or that service information could be used or disclosed in an inappropriate manner. Inappropriate use would have implications for the service user whose information has been compromised, the health and social care sector organisations as the guardians with responsibility for safeguarding the information, as well as those who are using the information.
8. This Act will enable regulations to be made that establish a process which will ensure that information is only shared in very limited circumstances which are proven to be for health care or social care purposes and which are in the public interest.
9. The process will be robust, open and transparent. It will impose conditions on the use of the information and include penalties for those who fail to comply with these. This will protect the service user, the holder of the information and the individual or organisation applying to use it by establishing a clear, unambiguous framework to govern the secondary use of information.