



## 2016 CHAPTER 23

### **Powers to obtain and disclose information etc**

2.—(1) In the 2001 Act after section 7 insert—

#### **“7A Power to obtain information etc**

(1) The power under subsection (2) may be exercised for the purpose of assisting the Council in performing a function under section 5, 5A or 6 in respect of a person (“the relevant person”).

(2) If the Council considers that any person (except the relevant person) is able to provide information or produce a document that appears relevant to the performance of the function, it may by notice require the person to provide the information or produce the document.

(3) Subsection (2) does not require or permit any disclosure of information which is prohibited by or under any other statutory provision.

(4) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the Council may, in exercising the power under subsection (2), require that the information be put into a form which is not capable of identifying that individual.

(5) In determining for the purposes of subsection (3) whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, assume that the disclosure is required by this section.

(6) Subsection (2) does not apply to information or a document which the person could not be compelled to provide or produce in civil proceedings before the county court.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016, Section 2. (See end of Document for details)*

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(7) If a person fails to provide any information or produce any document within 14 days of the person being required to do so under this section, the Council may apply to the county court for an order requiring the information to be provided or the document to be produced.”.

(2) After section 7A insert—

**“7B Investigations under section 6: information about, and to, a registered person's employers**

(1) This section applies where a specified kind of investigation under section 6 is being undertaken in respect of a registered person.

(2) The Council may by notice require the registered person to give details of—

- (a) all relevant employers, and
- (b) any person who was a relevant employer at any time during a period stated in the notice.

(3) The Council may notify any relevant employer of the investigation.

(4) Section 7A(3), (5) and (7) apply for the purposes of subsection (2).

(5) In this section—

“relevant employer” means—

- (a) any person who employs the registered person to do relevant work, and
- (b) any person who has an arrangement with the registered person for the registered person to do relevant work;

“relevant work” means—

- (a) anything that, if done by a person, would result in the person being a social care worker, and
- (b) anything done anywhere outside Northern Ireland that, if done in Northern Ireland by a person, would result in the person being a social care worker;

“specified” means specified by rules made by the Council.”.”;

(3) After section 16 insert—

**“16A Publication etc of information about fitness to practise**

(1) If it considers it is in the public interest to do so, the Council may publish or disclose to any person—

- (a) information relating to a particular registered person's fitness to practise, or

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- (b) information of a particular description relating to the fitness to practise of—
  - (i) every registered person, or
  - (ii) every registered person of a particular description.
- (2) For the purposes of subsection (1)(b) the Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each registered person to whom it relates.
- (3) In this section “information” includes—
  - (a) information relating to, or arising, before a person's registration (as well as after it), and
  - (b) information arising outside the United Kingdom (as well as in it).
- (4) In this section references to a registered person include a person who has at any time been a registered person.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016, Section 2.