

*These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003*

# HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 –Standards**

#### *Chapter 10 – Supplementary and General*

#### **Information**

#### *Section 136: Disclosure of information obtained by CHAI; and section 137: defence*

295. *Section 136(2)* makes it a criminal offence for any person, including a member or employee of the CHAI, to knowingly or recklessly disclose confidential information that relates to or identifies an individual.
296. *Subsections (1) to (3) of section 137* set out a defence to the offence in section 136. It is a defence to prove that any of the circumstances listed in *subsection (2)* applied or that the person charged reasonably believed that they applied. It is also a defence to prove that the disclosure was made for a purpose in *subsection (3)*. One of the circumstances in *subsection (2)* is where the disclosure is made in a form in which the individual to which the information relates is not identified. *Subsection (4)* sets out when an individual is to be regarded as identified for the purposes of this defence.