



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

[^{F1}CHAPTER 1A

CONTINUITY OF INFORMATION

[^{F1}251A Consistent identifiers

- (1) The Secretary of State must by regulations specify a description of consistent identifier for the purposes of this section.
- (2) “Consistent identifier” means any identifier (such as, for example, a number or code used for identification purposes) that—
 - (a) relates to an individual, and
 - (b) forms part of a set of similar identifiers that is of general application.
- (3) Subsection (4) applies if—
 - (a) a relevant health or adult social care commissioner or provider (“the relevant person”) processes information about an individual, and
 - (b) the individual is one to whom a consistent identifier of the description specified under subsection (1) relates.
- (4) If this subsection applies the relevant person must include the consistent identifier in the information processed (but this is subject to subsections (5) to (8)).
- (5) Subsection (4) applies only so far as the relevant person considers that the inclusion is—
 - (a) likely to facilitate the provision to the individual of health services or adult social care in England, and
 - (b) in the individual's best interests.

Status: Point in time view as at 25/05/2018.

Changes to legislation: Health and Social Care Act 2012, Section 251A is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) The relevant person need not comply with subsection (4) if the relevant person reasonably considers that one or more of the following criteria apply—
- (a) the relevant person does not know the consistent identifier and is not reasonably able to learn it;
 - (b) the individual objects, or would be likely to object, to the inclusion of the consistent identifier in the information;
 - (c) the information concerns, or is connected with, the provision of health services or adult social care by an anonymous access provider;
 - (d) for any other reason the relevant person is not reasonably able, or should not be required, to comply with subsection (4).
- (7) This section does not permit the relevant person to do anything which, but for this section, would be inconsistent with—
- (a) any provision [^{F2}of the data protection legislation], or
 - (b) a common law duty of care or confidence.
- (8) This section does not require the relevant person to do anything which the relevant person is required to do by or under provision included in a contract by virtue of any provision of the National Health Service Act 2006 (and, accordingly, any such requirement is to be treated as arising under the contract, and not under this section).

[In this section, “the data protection legislation” has the same meaning as in the Data ^{F3}(9) Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F1** Pt. 9 Ch. 1A inserted (25.6.2015) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), **ss. 2, 6(4)**; S.I. 2015/1438, **reg. 2(a)**
- F2** Words in s. 251A(7)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 173(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**
- F3** S. 251A(9) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 173(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**

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