



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

CHAPTER 2

THE HEALTH AND SOCIAL CARE INFORMATION CENTRE

Functions: information systems

255 Powers to request Information Centre to establish information systems

- (1) Any person (including a devolved authority) may request the Information Centre to establish and operate a system for the collection or analysis of information of a description specified in the request.
- (2) A request may be made under subsection (1) by a person only if the person considers that the information which could be obtained by complying with the request is information which it is necessary or expedient for the person to have in relation to the person's exercise of functions, or carrying out of activities, in connection with the provision of health care or adult social care.
- (3) The Information Centre must comply with a mandatory request unless the Centre considers that the request relates to information of a description prescribed in regulations.
- (4) For the purposes of this Chapter a request under subsection (1) is a mandatory request if—
 - (a) it is made by a principal body, and
 - (b) the body considers that the information which could be obtained by complying with the request is information which it is necessary or expedient for the body

Status: This is the original version (as it was originally enacted).

to have in relation to its discharge of a duty in connection with the provision of health services or of adult social care in England.

- (5) The Secretary of State or the Board may direct the Information Centre not to comply with a request specified in the direction which is not a mandatory request.
- (6) The Secretary of State or the Board may direct the Information Centre to comply with a request specified in the direction which was made by a person outside England.
- (7) Subsection (8) applies where the Information Centre has discretion under this section as to whether to comply with—
 - (a) a mandatory request, or
 - (b) other request under subsection (1).
- (8) In deciding whether to comply with the request, the Information Centre—
 - (a) must, in particular, consider whether doing so would interfere to an unreasonable extent with the exercise by the Centre of any of its functions, and
 - (b) may take into account the extent to which the principal body or other person making the request has had regard to—
 - (i) the code of practice prepared and published by the Centre under section 263, and
 - (ii) advice or guidance given by the Centre under section 265.
- (9) In this section “principal body” means—
 - (a) Monitor,
 - (b) the Care Quality Commission,
 - (c) the National Institute for Health and Care Excellence, and
 - (d) such other persons as may be prescribed in regulations.
- (10) In this Chapter “health care” includes all forms of health care whether relating to physical or mental health and also includes procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.