

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (National Data Guardian) Act 2018, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1

#### FURTHER PROVISION ABOUT THE DATA GUARDIAN

##### *Appointment*

- 1 Subject to paragraphs 2 to 6, a person holds and vacates the office of Data Guardian in accordance with the terms of his or her appointment.

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 2 The period for which a person is appointed as the Data Guardian must not exceed three years.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 3 A person who has held office as the Data Guardian may be re-appointed once only.

##### **Commencement Information**

**I3** Sch. 1 para. 3 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 4 The Data Guardian may at any time resign the office by giving notice in writing to the Secretary of State.

##### **Commencement Information**

**I4** Sch. 1 para. 4 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 5 The Secretary of State may remove the Data Guardian from office if satisfied that he or she is unable, unwilling or unfit to perform the functions of the Data Guardian.

##### **Commencement Information**

**I5** Sch. 1 para. 5 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 6 Service as the Data Guardian is not service in the civil service of the State.

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**Commencement Information**

**I6** Sch. 1 para. 6 in force at 1.4.2019 by S.I. 2019/580, reg. 2

*Remuneration, expenses and allowances, etc.*

- 7 The Secretary of State may pay to or in respect of the Data Guardian such remuneration, expenses, pensions, allowances or compensation for loss of office as the Secretary of State may determine.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 1.4.2019 by S.I. 2019/580, reg. 2

*Staff and advisors*

- 8 The Data Guardian may appoint staff and advisors as the Data Guardian may determine.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 9 The Data Guardian may pay—
- (a) any remuneration, expenses, allowances and sums by way or in respect of pensions to or in respect of staff;
  - (b) any expenses and allowances to advisors.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 10 Service as a member of staff of or advisor to the Data Guardian is not service in the civil service of the State.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 11 The Data Guardian may authorise a member of his or her staff to do anything required or authorised to be done by the Data Guardian.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 1.4.2019 by S.I. 2019/580, reg. 2

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### *Secondments*

- 12 The Data Guardian may make arrangements for persons to be seconded to serve as members of his or her staff.

#### **Commencement Information**

**I12** Sch. 1 para. 12 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 13 The arrangements may include provision for payments by the Data Guardian to the person with whom the arrangements are made or directly to seconded staff (or both).

#### **Commencement Information**

**I13** Sch. 1 para. 13 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 14 A period of secondment does not affect the continuity of a person's employment with the employer from whose service he or she is seconded and, in particular, does not affect such a person's continuity of service in the civil service of the State.

#### **Commencement Information**

**I14** Sch. 1 para. 14 in force at 1.4.2019 by S.I. 2019/580, reg. 2

### *Financing*

- 15 The Secretary of State must pay to the Data Guardian such sums as the Secretary of State considers appropriate for the purpose of enabling the Data Guardian to perform his or her functions.

#### **Commencement Information**

**I15** Sch. 1 para. 15 in force at 1.4.2019 by S.I. 2019/580, reg. 2

### *Report and accounts*

- 16 The Data Guardian must keep proper accounts and proper records in relation to accounts.

#### **Commencement Information**

**I16** Sch. 1 para. 16 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 17 As soon as reasonably practical after the end of each financial year, the Data Guardian must produce an annual report which includes—
- (a) a statement of accounts for that financial year in such form as the Secretary of State may direct;
  - (b) a general description of any guidance published and advice, assistance and information given by the Data Guardian in that financial year;

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- (c) a general description of the Data Guardian's priorities for the current financial year.

**Commencement Information**

**I17** Sch. 1 para. 17 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 18 The Data Guardian must send a copy of the annual report to the Secretary of State before the end of June next following the financial year to which the statement of accounts relates.

**Commencement Information**

**I18** Sch. 1 para. 18 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 19 The Secretary of State must lay a copy of the annual report before Parliament.

**Commencement Information**

**I19** Sch. 1 para. 19 in force at 1.4.2019 by S.I. 2019/580, reg. 2

- 20 “Financial year” means—
- (a) the period beginning with the day on which the first person is appointed under section 1 and ending with the following 31 March, and
  - (b) each successive period of 12 months.

**Commencement Information**

**I20** Sch. 1 para. 20 in force at 1.4.2019 by S.I. 2019/580, reg. 2

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