



Health and Care Act 2022

2022 CHAPTER 31

PART 4 U.K.

THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

Protection of material held by the HSSIB

123 Exceptions to prohibition on disclosure E+W

- (1) Section 122(1) does not apply to a disclosure which is required or authorised by—
 - (a) Schedule 14,
 - (b) any other provision of this Part, or
 - (c) regulations made by the Secretary of State.
- (2) Regulations under subsection (1)(c) may, for example, require or authorise disclosures of protected material by reference to—
 - (a) the kind of material that it is (for example, a particular kind of equipment),
 - (b) the matters to which it relates,
 - (c) the person from whom it was obtained,
 - (d) the purpose for which it was produced or is held, or
 - (e) the purpose for which it is disclosed.
- (3) But regulations under subsection (1)(c) may not require or authorise disclosures of protected material by reference to the qualifying incident to which the material relates.
- (4) Regulations under subsection (1)(c) may provide for a person to exercise a discretion in dealing with any matter.
- (5) Subject to subsection (6), regulations under subsection (1)(c) may provide that disclosures which are required or authorised by the regulations do not breach—
 - (a) obligations of confidence owed by the person making the disclosure, or
 - (b) any other restrictions on disclosure.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 123. (See end of Document for details)

- (6) Nothing in regulations under subsection (1)(c) operates to require or authorise disclosures which would contravene the data protection legislation (but, for the purposes of this subsection, in determining whether any disclosure required or authorised by the regulations would do so, take the requirement or authorisation into account).

Commencement Information

- I1** S. 123 not in force at Royal Assent, see [s. 186\(6\)](#)
I2 [S. 123](#) in force at 1.10.2023 by [S.I. 2023/1035](#), [reg. 2\(a\)](#)

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There are currently no known outstanding effects for the Health and Care Act 2022, Section 123.