
STATUTORY INSTRUMENTS

2013 No. 218

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

PART 4

HEALTH SCRUTINY BY LOCAL AUTHORITIES

Information to be provided by responsible person

26.—(1) Subject to paragraphs (3) and (7), a responsible person must provide a local authority with such information about the planning, provision and operation of health services in the area of that authority as the authority may reasonably require in order to discharge its relevant functions.

(2) Where a responsible person provides, or arranges for the provision of, services to persons residing within the area of several local authorities, its duty under paragraph (1) will be satisfied if it provides information to the joint overview and scrutiny committee of those authorities.

(3) Nothing in paragraph (1) requires the provision of—

- (a) confidential information which relates to and identifies a living individual, unless at least one of the conditions specified in paragraph (4) applies; or
- (b) any other information the disclosure of which is prohibited by or under any enactment, unless paragraph (5) applies.

(4) The conditions referred to in paragraph (3)(a) are—

- (a) the information is or can be disclosed in a form from which the identity of the individual cannot be ascertained; or
- (b) the individual consents to the information being disclosed.

(5) This paragraph applies where—

- (a) the prohibition on the disclosure of information arises because the information is capable of identifying an individual; and
- (b) the information is or can be disclosed in a form from which the identity of the individual cannot be ascertained.

(6) In a case where the disclosure of information is prohibited by paragraph (3), the local authority may require the person holding the information to put the information in a form from which the identity of the individual concerned cannot be identified in order that the information may be disclosed.

(7) Paragraph (1) does not apply in relation to—

- (a) information contained in, or relating to, a trust special administrator's report or draft report under sections 65F or 65I of the 2006 Act;
- (b) information contained in, or relating to, recommendations by a health special administrator on the action which should be taken in relation to a company subject to a health special administration order under section 128 of the 2012 Act.