



# Patient Safety Commissioner for Scotland Act 2023

2023 asp 6

## *Gathering and use of information*

### **12 Power to require information**

- (1) The Commissioner may require a person to which [subsection \(4\)](#) applies to supply the Commissioner with information that—
  - (a) is in the person's possession or control,
  - (b) may be relevant to the work of the Commissioner,
  - (c) is not information of a kind that the Commissioner is prohibited by [subsection \(3\)](#) from requiring the person to supply.
- (2) A requirement under this section is imposed on a person when the Commissioner gives the person written notice specifying—
  - (a) the information that the person is required to supply,
  - (b) the way in which the person is required to supply it, and
  - (c) either—
    - (i) the time by which the person is to supply it, or
    - (ii) the period throughout which the person is to supply it and the intervals within that period at which it must be supplied.
- (3) The following are the kinds of information that the Commissioner is prohibited from requiring a person to supply under this section—
  - (a) information that the person would be entitled to refuse to provide in proceedings in a court in Scotland,
  - (b) information about an individual (whether or not it is anonymised).
- (4) This subsection applies to a person who is—
  - (a) a health care provider,
  - (b) a body constituted by virtue of the National Health Service (Scotland) Act 1978.
- (5) In [this section](#), “information” includes unrecorded information.

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**Changes to legislation:** There are currently no known outstanding effects for the Patient  
Safety Commissioner for Scotland Act 2023, Section 12. (See end of Document for details)

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#### Commencement Information

- I1** S. 12 not in force at Royal Assent, see [s. 24\(2\)](#)
- I2** [S. 12](#) in force at 1.5.2024 by [S.S.I. 2024/110](#), [reg. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Patient Safety Commissioner for Scotland Act 2023, Section 12.