

# HEALTH AND SOCIAL CARE ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 9 – Health and adult social care services: information**

##### *Chapter 1 – Information standards*

##### *Section 250 – Powers to publish information standards*

1398. This section enables the Secretary of State or the NHS Commissioning Board to set information standards for health services or adult social care in England.
1399. *Subsection (1)* empowers the Secretary of State or the NHS Commissioning Board to prepare and publish an information standard. Other bodies may assist with the preparation of standards but the decision to publish a standard rests with Secretary of State or the Board.
1400. *Subsection (2)* defines an information standard as a document containing standards that relate to the processing of information. These may include technical standards, data standards or information governance standards. Technical standards could relate to the specification of systems and may, for example, include messaging, system interoperability or security requirements. Data standards include defining the structure and type of information to be recorded, for example how to record dates of birth or a clinical condition. Information governance standards could relate to policies, procedures or guidelines on information processing.
1401. *Subsections (3) and (4)* prescribe the limits of the Secretary of State or the Board's powers to publish standards in relation to the provision of NHS, health or adult social care services in England.
1402. *Subsection (5)* clarifies that a published standard must include guidance on, for example, which types of organisation it is relevant to and on how to implement the standard.
1403. *Subsection (6)* identifies which bodies must have regard to published information standards. These are the Secretary of State, the Board, public bodies exercising functions in connection with health services or adult social care and anyone providing publicly funded health services or adult social care commissioned by or on behalf of a public body.
1404. *Subsection (7)* defines the terms used in this section. For example, "processing" has the same meaning as in the Data Protection Act 1998. This is a broad definition that captures a range of activity involving information including obtaining, holding, recording, using and sharing.

##### *Section 251 – Information standards: supplementary*

1405. *Subsection (1)* places a duty on the Secretary of State or the Board to consult those they determine should be consulted before publishing an information standard.

*These notes refer to the Health and Social Care Act 2012  
(c.7) which received Royal Assent on 27 March 2012*

1406. *Subsection (2)* enables the Secretary of State or the Board to adopt existing information standards that are appropriate but have been prepared or published by someone else.