



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

[^{F1}CHAPTER 1A

CONTINUITY OF INFORMATION

[^{F1} ^{F2}251B] **Duty to share information**

- (1) This section applies in relation to information about an individual that is held by a relevant health or adult social care commissioner or provider (“the relevant person”).
- (2) The relevant person must ensure that the information is disclosed to—
 - (a) persons working for the relevant person, and
 - (b) any other relevant health or adult social care commissioner or provider with whom the relevant person communicates about the individual,but this is subject to subsections (3) to (6).
- (3) Subsection (2) applies only so far as the relevant person considers that the disclosure is—
 - (a) likely to facilitate the provision to the individual of health services or adult social care in England, and
 - (b) in the individual's best interests.
- (4) The relevant person need not comply with subsection (2) if the relevant person reasonably considers that one or more of the following apply—
 - (a) the individual objects, or would be likely to object, to the disclosure of the information;
 - (b) the information concerns, or is connected with, the provision of health services or adult social care by an anonymous access provider;

Changes to legislation: *Health and Social Care Act 2012, Section 251B is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) for any other reason the relevant person is not reasonably able, or should not be required, to comply with subsection (2).
- (5) This section does not permit the relevant person to do anything which, but for this section, would be inconsistent with—
- (a) any provision [^{F3}of the data protection legislation], or
 - (b) a common law duty of care or confidence.
- (6) This section does not require the relevant person to do anything which the relevant person is required to do under a common law duty of care (and, accordingly, any such requirement is to be treated as arising under that common law duty and not under this section).

[In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).^{F4}]]

Textual Amendments

- F1** Pt. 9 Ch. 1A inserted (25.6.2015) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), **ss. 2, 6(4)**; [S.I. 2015/1438](#), **reg. 2(a)**
- F2** S. 251B inserted (1.10.2015) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), **ss. 3, 6(4)**; [S.I. 2015/1438](#), **reg. 3(b)**
- F3** Words in s. 251B(5)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 174(2)** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), **reg. 2(1)(g)**
- F4** S. 251B(7) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 174(3)** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), **reg. 2(1)(g)**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)