



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

### CHAPTER 2

#### [<sup>F1</sup>NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.]

#### *Functions: information systems*

#### **263 Code of practice on confidential information**

- (1) [<sup>F1</sup>NHS England] must prepare and publish a code in respect of the practice to be followed in relation to the collection, analysis, publication and other dissemination of confidential information concerning, or connected with, the provision of health services or of adult social care in England.
- (2) For the purposes of this section “confidential information” is—
  - (a) information which is in a form which identifies any individual to whom the information relates or enables the identity of such an individual to be ascertained, or
  - (b) any other information in respect of which the person who holds it owes an obligation of confidence.
- (3) Before publishing the code, [<sup>F2</sup>NHS England] must consult—
  - (a) the Secretary of State, [<sup>F3</sup>and]
  - <sup>F4</sup>(b) .....
  - (c) such other persons as [<sup>F5</sup>NHS England] considers appropriate.

[<sup>F6</sup>(4) NHS England must not publish the code without the approval of the Secretary of State.]

*Changes to legislation: Health and Social Care Act 2012, Section 263 is up to date with all changes known to be in force on or before 28 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*

- (5) [<sup>F7</sup>NHS England] must keep the code under review and may revise it as it considers appropriate (and a reference in this section to the code includes a reference to any revised code).
- (6) A health or social care body must have regard to the code in exercising functions in connection with the provision of health services or of adult social care in England.
- (7) A person, other than a public body, who provides health services, or adult social care in England, pursuant to arrangements made with a public body exercising functions in connection with the provision of such services or care must, in providing those services or that care, have regard to the code.
- <sup>F8</sup>(8) .....

#### Textual Amendments

- F1** Words in s. 263(1) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(a)** (with reg. 3)
- F2** Words in s. 263(3) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(b)(i)** (with reg. 3)
- F3** Word in s. 263(3)(a) inserted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(b)(ii)** (with reg. 3)
- F4** S. 263(3)(b) omitted (1.2.2023) by virtue of [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(b)(iii)** (with reg. 3)
- F5** Words in s. 263(3)(c) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(b)(iv)** (with reg. 3)
- F6** S. 263(4) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(c)** (with reg. 3)
- F7** Words in s. 263(5) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(d)** (with reg. 3)
- F8** S. 263(8) omitted (1.2.2023) by virtue of [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(16)(e)** (with reg. 3)

#### Modifications etc. (not altering text)

- C1** Pt. 9 Ch. 2: power to amend conferred (1.7.2022) by [2021 c. 3, s 43\(3\)](#) (as inserted by [Health and Care Act 2022 \(c. 31\)](#), **ss. 101(5)(b)**, 186(6); S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30))

#### Commencement Information

- I1** S. 263 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

**Changes to legislation:**

Health and Social Care Act 2012, Section 263 is up to date with all changes known to be in force on or before 28 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.

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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\(5\)](#)