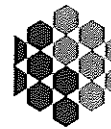


FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Ms Maeve McLaughlin MLA
Chair
Committee for Health Social Services and Public Safety
Room 412
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: COR/41/2016

Date: 19 January 2016

Dear

MAEVE

HEALTH AND PERSONAL SOCIAL SERVICES (AMENDMENT) BILL

Thank you for your letter dated 14 January 2016 concerning the above Bill.

The Committee has sought assurance, following the evidence session with officials on 13 January 2016, as to whether the powers contained in clause 2 of the Bill "to disclose information about a person's fitness to practice, are in line with a person's data protection rights under other pieces of legislation".

I can confirm that by law the Care Council must operate in accordance with the Data Protection Act 1998 and, in common with other healthcare regulators, it must manage the disclosure of information taking into account data protection considerations in relation to a person's rights.

Section 31 of the Data Protection Act provides an exemption to Regulators, such as the Care Council, to process personal data for the purposes of discharging its functions, where those functions are designed to protect members of the public against inter alia:

Section 31

(2)(a)(iii) dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorised to carry on any profession or other activity;

(2)(e) for securing the health, safety and welfare of persons at work (for example colleagues of registered social workers or social care workers); or

(2)(f) for protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work (for example the protection of service users).

Section 16A of Clause 2 states that, "If it considers it is in the public interest to do so, the Council may publish or disclose (information) to any person". Therefore, the Care Council must be satisfied before making a decision to publish or disclose information that it is in the public interest in line with Section 31 of the Data Protection Act.

I trust the above provides the necessary assurance to the Committee that the powers contained in Clause 2 to disclose information about a person's fitness to practice are compliant with Data Protection legislation and in line with an individual's data protection rights.

May I take this opportunity to thank you for your support in progressing this important piece of legislation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon', written in a cursive style.

SIMON HAMILTON MLA