



7<sup>th</sup> April 2014

**Our ref: NIC-248034-G5V7C**

Dear Mr Booth,

**Re: Information Request – Freedom of Information Act (FOIA) 2000**

I can confirm that the Health and Social Care Information Centre (HSCIC) has considered your query dated the 5<sup>th</sup> February 2014.

Thank you for your request and apologies for the delay in responding. As detailed in our letter to you, dated the 4<sup>th</sup> March 2014, although we aim to make all decisions within 20 working days, in this case, we had not reached a decision on where the balance of the public interest lies and, as allowed by the Act, it was deemed necessary to take additional 20 working days in order to take a decision.

I can confirm that we have now had the opportunity to further review the information held by the HSCIC in scope of your request and I can advise that it has been decided that the balance of public interest lies in disclosing some of the information requested.

It should be noted however, that certain other exemptions detailed in the Act have been engaged.

I have answered each of your questions, in turn, below:

***1) A dated list of every independent external audit of the data usage and security of Hospital Episodes Statistics / Secondary Uses Service, from the most recent to as far back as HES/SUS has been in operation"***

a) I can confirm that independent, external audits of the data usage and security of the Secondary Uses Service (SUS) were completed in October 2007 by Ernst & Young and December 2009 by Deloitte.

b) I can confirm that independent, external audits of the data usage and security of Hospital Episodes Statistics (HES) were completed in June 2011 by Activity and December 2011 by PricewaterhouseCoopers (PWC).

***2) A copy of each audit report or the URLs of where the reports are published.***

a) Enclosed is a copy of the reports listed for SUS. Please note; certain information cited in these documents has been redacted as they are exempt information under Section 40 (Personal Information) of FOIA. This is in line with guidance issued by the Information Commissioner's Office in relation to the release of personal information in respect of staff not at a senior level.

b) Enclosed is a copy of the report by Activity. Please note; certain information cited in these documents has been redacted as they are exempt information under Section 40 (Personal Information) of FOIA. This is in line with guidance issued by the Information Commissioner's Office in relation to the release of personal information in respect of staff not at a senior level.

Information has also been redacted as it is exempt information under Section 43(2) (Commercial Interests).

Section 43(2) provides that information may be withheld from disclosure where release would be likely to have an adverse effect on the commercial interests of either the HSCIC or a third party. In this instance disclosure would provide competitors of Northgate Information Solutions (NIS) with business sensitive information about its internal operations and security controls, thereby potentially weakening its position in a competitive market. It could also undermine the confidence in NIS as a provider of services which would be detrimental to their business and future prospects.

The report by PWC is being withheld under Section 43(2) (Commercial Interests) for the reasons set out above, in relation to the impact on the commercial interests of NIS.

Section 43(2) is a qualified exemption and requires that a public interest test is conducted. At this time, the public interest has found in favour of withholding this information.

***3) A dated list of every internal audit of the data usage and security of HES/SUS, from the most recent to as far back as HES/SUS has been in operation***

I can confirm that the Department of Health (DH)/Connecting for Health (CfH) Internal Audit have carried out five 'NHS IT Systems Review' which included the data usage and security of SUS. These reviews were completed in December 2009, March 2010, March 2011, April 2012 and May 2013.

From 1989 to 2005 HES was the responsibility of the DH therefore information regarding HES Audits for this time period may be held by the DH who can be contacted via:

Ministerial Correspondence and Public Enquiries Unit  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

Contact form <http://www.info.doh.go...>

I can confirm that PWC are the HSCIC's internal auditors therefore, for information regarding internal audits of HES please see our responses to questions 1 and 2.

***4) A copy of each audit report or the URL of where they are published.***

We are unable to share the five 'NHS IT Systems Review' reports, conducted by Department of Health Internal Audit in the years 2009 -2013. These reports cover a number of national systems and are not specific to SUS. Audit comments on the different systems are interspersed throughout the documents and, as such, the HSCIC estimates that it would take more than 18 hours to extract the elements relating to SUS.

Section 12 of the FOIA provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit. The Fees Regulations state that this cost limit is £450 for public authorities such as the HSCIC.

In this case, the HSCIC is therefore exempt from the obligation to answer any further aspects of your request under Section 12 of the FOIA, as to do so would exceed this limit.

In line with our duty to advise and assist we can advise that the audit reports were all positive with 'RAG' scoring for each year provided below. We can confirm that the one theme of these reports has been the need for independent assurance of the security of the BT Data Centres at which SUS data is held. Such an audit is currently underway and should report towards the end of this month.

May 2013	NHS IT Systems Review	DH Internal Audit	Amber - Green
April 2012	NHS IT Systems Review	DH Internal Audit	Amber
March 2011	NHS IT Systems Review	DH Internal Audit	Amber - Green
March 2010	NHS IT Systems Review	DH Internal Audit	Amber
December 2009	NHS IT Systems Review	DH Internal Audit	Amber

**5) A dated list of every known data breach involving HES data from 1989 until it was taken on by the Secondary Uses Service in 2006, including the number of records involved in each breach, if known.**

We are interpreting the term 'data breach' to mean an incident whereby access to identifiable HES data has been compromised and/or identifiable data has been provided to the incorrect recipient.

I can confirm that there have been no known breaches of SUS data or systems from the HSCIC, or the former organisations, Connecting for Health (CfH) and the NHS Information Centre (NHSIC).

With regards to HES data, from 2008 onwards, I can confirm that we hold records of 1 'data breach' in each of the following years; 2009, 2010, 2011 and 2012.

For the time period 2005-2008; I can confirm that the HSCIC does not hold records of any HES data breaches.

From 1989 to 2005 HES was the responsibility of the DH therefore information regarding HES breaches for this time period may be held by the DH who can be contacted via:

Ministerial Correspondence and Public Enquiries Unit  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

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In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the HSCIC website.

I trust you are satisfied with our response to your request for information. However, if you are not satisfied, you may request a review from a suitably qualified member of staff not involved in the initial query, via the [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) e mail address or by post at the above postal address.



Health & Social Care  
Information Centre

I will assume that your request to the organisation is now closed.

Yours sincerely,

**James Smith**  
**Higher Information Governance Officer**

Further information about your right to complain under the Freedom of Information Act is available from the Information Commissioner's Office, Wilmslow, Cheshire, and on The Information Commissioner's website [www.ico.gov.uk](http://www.ico.gov.uk).

The Health and Social Care Information Centre values customer feedback and would appreciate a moment of your time to respond to our Freedom of Information (FOI) Survey to let us know about your experience. Please access the survey through this link

[https://www.surveymonkey.com/s/HSCIC\\_FOI\\_Feedback](https://www.surveymonkey.com/s/HSCIC_FOI_Feedback)