



14th November 2013

Our ref: NIC-228548-B7T9W

Dear Dr Bhatia,

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 20th October 2013 (received by us on the 21st October 2013).

Thank you for your request. I have answered each of your questions, in turn, below:

- *Does the HSCIC hold PCD sourced from GP out-of-hours providers or GP walk-in-centres, and which would then constitute part of care.data?*

No, the HSCIC does not currently hold PCD from GP out-of-hours providers. The HSCIC does hold PCD in relation to the data that GP walk-in centres submit as part of the A&E commissioning data set. Plans and scope for the care.data programme are currently being agreed and may see the inclusion of these commissioning data sets in future.

- *Can patients prevent their PCD being extracted from other healthcare settings by the HSCIC, for example HES or data from social care, and which would under care.data be combined with (or linked to) their uploaded GP data (unless they also have the 9Nu0 code in their records)? If patients can object to this, what is the process that patients must follow to enact this wish?*

The system we are developing, which enables you to notify your GP of your objection to confidential information that identifies you from leaving the GP practice, also enables you to object to information containing data that identifies you from leaving the HSCIC secure environment. This includes information from all places you receive care (for example, hospitals) where it is being used for purposes other than your direct care. However, the note of your objection in your GP record cannot be seen by other places where you receive care, such as hospitals so it cannot be used by them to stop information that identifies you from leaving them.

Currently, some information which may identify you, for example by including your NHS number, will flow from hospitals and other places where you receive care and treatment to the HSCIC, where this is allowed by law. If you want to prevent this flow of information you will have to discuss this with each of the providers that you receive care from.

I am aware that the 9Nu4 read code should be used where a patient wishes to prevent their PCD from any health and social care setting from leaving the HSCIC.

- *Does the presence of this code in any way influence the release of aggregated/anonymised data about that patient from the HSCIC to organisations ?*

No. Information that does not identify you is not confidential. Since this information is neither personal nor private, the law says that it can be used much more freely. As this information can be so helpful to the NHS and does not identify you, there are good reasons for making the best possible use of it.

- *Does the presence of this code prevent the release of pseudonymised data about that patient from the HSCIC to organisations (such as NHS commissioning bodies, CCGs etc) ?*

Using code 9Nu4 prevents the release of data in identifiable form. The data can be shared with other organisations when it is aggregated, anonymised or pseudonymised. Aggregated means a collated count of data, which means that data is grouped together and is no longer record level. Anonymised is record level data with no identifiers. Pseudonymised data is record level data with no identifiers but holds a unique key that enables the customer to uniquely reference the record whilst the identity of the individual is protected.

- *Would the presence of this code prevent the release of identifiable data (whether pseudonymised or clearly identifiable) from the HSCIC to organisations should (at some point in the future) the HSCIC agree to its release under s251 of the NHS Act 2006 approval ?*

S251 support of the NHS Act is only required to share data that is deemed to be identifiable and confidential. However, the presence of the 9Nu4 code would mean that we would not release identifiable data regardless of s251 support.

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 e mail address or by post at the above postal address.

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.

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