



Our ref: NIC-235344-F6W8X

20th December 2013

Dear P Seurre,

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 25th December 2013.

“One of your web pages goes into detail in to who can have access to what information. See:

<http://www.hscic.gov.uk/dles>

In particular this page contains the following text:

Customers accessing data through our service are required to sign a data sharing contract before any data is supplied. This contract regulates how the data is shared, used and managed and includes storage security requirements and restrictions on onward sharing or publication. The data sharing contract states that customers must not attempt to link the data with other data sources such that individuals might be re-identified.

I also note that your other web pages state that it is HSCIC's own legal responsibility to ensure the security of any data that leaves it's control.

See:

<http://www.hscic.gov.uk/dlesaac>

It's not only important to get recipients to sign up to certain standards, but also important to make sure that they're both able and willing to abide by those standards. Simply getting them to sign a piece of paper that promises they will behave is insufficient.

I would therefore like to ask what what audit process HSCIC has in place to ensure that those receiving the private patient data are living up to the standards imposed by HSCIC?”

Data is only made available to those applicants who meet the HSCIC's robust Information Governance standards to protect and control how the data supplied by us is managed.

Audit is only one method of obtaining assurance. Every applicant for HSCIC data is required to sign a data sharing contract and agreement which sets out the required responsibilities of the applicant in handling and processing the data to be supplied, including whether they will take on data

controllership responsibilities for the data and therefore be required to have a data protection registration with the Information Commissioners Office.

Applicants need to provide assurance to us as to the security levels in place for where the data is to be held and processed, and further evidence is sought if an applicant does not complete the NHS Information Governance Toolkit (IGT). Any applicant not completing the IGT is further required to agree to meeting a set of standards for information security and data handling.

Information Governance Toolkit

It is Department of Health policy that all bodies that process NHS patient information are required to provide assurance on the security of this information, through annual completion and publication of an information governance performance assessment using the IGT. Further information on the IGT can be found here: <https://nww.igt.hscic.gov.uk/>

Where applicable the HSCIC will check an applicant's IGT submission to ensure they meet the mandated standards for data handling. These reports are publically available and can be found here <https://nww.igt.hscic.gov.uk/reportsnew.aspx?tk=416266401575854&cb=abb6e33f-c5e4-403f-b7b2-0d31d4890cd8&inv=3&clnav=YES> and the completion of the IGT includes the need for independent audit

Audit by HSCIC is not undertaken routinely as there are a number of controls in place as part of the data sharing process nevertheless an audit will always be undertaken if there are concerns about the way data supplied is being used or handled. Additionally data recipients are made aware through the data sharing contract and agreement that a range of sanctions will be applied for non-compliance e.g. termination of data access; refusal of further requests, reporting to the ICO.

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