



31st March 2014

Our ref: NIC-254275-Z4T4Z

Dear Mr Edwards,

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 3 March 2014 which stated:

“Can you please confirm that an "Opt Out" of CareData arranged with the Data Controller for a General Practitioner practice, will also be applied to any medical records for the same patient at other practices they have attended. There is no policy requiring a General Practice to delete computer medical records when a patient leaves and it would seem that these records would be extracted to CareData by a former practice of the patient unless they Opt'd Out from each practice. For the avoidance of doubt please confirm whether an Opt Out:-

1) Is applicable to the patients medical records at the practice where the Opt Out is registered with a General Practice Data Controller; or

2) Applies to the NHS Data Controller and therefore all shared Data Controllers which make up the patients attendances at previous practices.”

Thank you for your request. When a patient moves from a GP practice, the practice must change the status of the patient record to identify that the patient is no longer registered with them. After a period of time the record is then archived so it is no longer accessible. Data will only be collected from a GP practice under care.data where a patient's record status confirms that they are currently registered with that practice. Data will not be collected from any GP practices that a patient has previously been registered with. This will be the process regardless of whether or not a patient has registered an objection to their data being shared.

If a patient has registered an objection to their data being shared outside the GP practice for purposes other than their direct care and they then register at a new GP practice, there are two potential scenarios.

If the old and new GP practices are both able to transfer their patient records electronically then the objection will be held at the new practice and will prevent any data from being extracted.

If one or both of the GP practices still have to transfer patient records manually then the GP practice receiving the record has a duty of care to ensure that all vital notes/information from that record are transferred onto their system, and this should include the objection code.

Further information about what we will collect from GP practices under care.data is available online at: www.hscic.gov.uk/article/3915/What-we-will-collect-from-GP-records-under-caredata.

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 hope 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 email address or by post at the above 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