



**Our ref: NIC-261961-R5P1M**

2<sup>nd</sup> May 2014

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 1<sup>st</sup> April 2014.

Thank you for your request. We have answered each of your questions in turn below;

*I would be very grateful if you would provide me with the following*

- *the process by which the HSCIC determines whether a particular organisation that it intends to supply pseudonymised data to, extracted from any of the datasets that the HSCIC currently holds (e.g. HES), or might hold (e.g. care.data/CES), holds "other information which could be used in conjunction with the pseudonymised data to identify individuals" and which "may make this data personal", for each (and every one) of the data subjects that the pseudonymised data might re-identify.*

1. Within the Register pseudonymised (amber) releases of data were considered to be 'non-personal data' under the Data Protection Act as they are sufficiently de-identified to virtually eliminate the risk of re-identifying the individual
2. We recognise that there will however remain a latent risk that when combined with other sources of data the identity of the individual may be ascertained
3. All releases of data are for a specified purpose and the use of the data is restricted by conditions specified within the Data Sharing Agreement (DSA)
4. Any attempt by a receiving organisation to re-identify any patients whose records are provided in pseudonymised form would be considered a breach of the DPA and the DSA
5. The HSCIC will seek sanctions when any incident of this nature may occur with actions ranging from prevention of receiving future data to legal action
6. We therefore do not currently assess applications against whether the receiving organisation might hold "other information which could be used in conjunction with the pseudonymised data to identify individuals", and so remained "within" the DPA

- *whether the HSCIC provides such organisations with identifying details of the data subjects whose records the pseudonymised data was extracted from, in order for that organisation to determine whether it already held information about them; and, if so, what identifying details (e.g. name, DoB) are provided to such organisations for them to make such an assessment*

The HSCIC does not provide such organisations with identifying details of the data subjects whose records the pseudonymised data was extracted from, in order for that organisation to determine whether it already held information about them.

- *For each occasion that Amber data, assessed (as above, by the HSCIC) as "personal data", was released by the HSCIC, the process by which patients may be provided with the following*

information.

- to whom was their Amber, personal data provided (i.e. the name of the organisation)
- the date that their Amber, personal data was released to the organisation
- for what purpose was that Amber, personal data released to that organisation
- for what charge ("cost recovery" or otherwise)

The HSCIC does not provide individual patients with the required information where pseudonymised data has been released. We have published a register of approved data releases on the HSCIC website, however, and this will provide details of pseudonymised data released to customers:

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

Section 7 of the Data Protection Act 1998 gives individuals the right to request access to personal records held on them by persons or organisations such as the HSCIC. This is known as a Subject Access Request (SAR). Further to this, an individual is entitled to be told:

- whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data; and
- given details of the source of the data (where this is available).

Information regarding how to make a Subject Access Request and the relevant documentation to be completed is available via the HSCIC website:

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

We do not retain a copy of the de-identified data that was supplied to any customer, and because the data is de-identified, the customer will also not be able to identify records that relate to an individual.

The charge made for the supply of any data via the Data Linkage and Extract Service (DLES) within the HSCIC is on a cost recovery basis, and covered the costs of providing the extract. Neither the Health and Social Care Information Centre (HSCIC) or The NHS Information Centre make any profit from the supply of data, nor did it subsidise any organisation for receiving it. They were required under Treasury rules to recover the costs of providing the data. Charges therefore varied depending on the complexity of the data request and the time taken to prepare and supply the data. The table of charges is available on the HSCIC website:

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

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.

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)