



Our ref: **NIC-262421-D7S2Z**

2ND 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 3rd April 2014.

Thank you for your enquiry, I will answer each of your questions below;

• *How many (numbers or %) of the total pseudonymised data releases in this register were judged to be "personal data", based on your assessment of 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 ?*

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
7. We therefore do not hold the information which you request

• *Which data releases were classified as "personal data" (please list the row ID of those releases) ?*

As outlined above only data releases classified as 'identifiable' would be deemed to be 'personal data' under the terms of the Data Protection Act.

Under section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible via other means. This exemption applies because for data releases approved by HSCIC from April 1st 2013 to December 31st 2013, the list of releases classified as identifiable is already published at http://www.hscic.gov.uk/media/13787/Register-of-approved-data-releases/pdf/Published_Version_Data_Releases_Register_v1.0.pdf

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,

Julie Shippen
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