

John Slater

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Ref:6765/6684

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Date:17 March 2017

Dear John Salter,

**Subject: Internal review request**

Thank you for your request for an internal review, which arrived on 15 March 2017, regarding the way your request for information was handled by Chris Dunn of our Information Governance Team.

Your request was as follows:

*"When applying for a EHIC online the applicant is required to agree to the EHIC Declaration included on the form. If they do not agree to the terms they cannot apply for a EHIC. The Data Protection Act 1998 requires consent for any data processing to be freely given (i.e. no coercion) unless the organisation can rely on statutory powers for said processing. Given that the applicant cannot amend the declaration I assume that this must be the case for the processing of the information on the EHIC application form. One part of the EHIC Declaration has been reproduced below: "I agree to the disclosure of information on this form for the purposes of verification and, in compliance with the Data Protection Act, to and from other organisations including - Local Authorities to which Council Tax is paid in respect of my dwelling throughout the United Kingdom - Organisations from which I am receiving benefits and/or support - The Department for Work and Pensions - HM Revenue and Customs - Credit reference agencies"*

*RFI1: Please disclose what information from the EHIC application form is shared with these organisations.*

*Answer (taken from data sharing/service level agreement)*

*Personal information provided by the applicant to NHSBSA when applying for/requesting an EHIC card.*

*RFI2: Please direct me to the relevant primary and/or secondary legislation (including the relevant sections or regulations) that allows the NHS to disclose information on the EHIC application from with the organisations listed. Yours faithfully, John Slater"*

In your request for an internal review you stated:

*"The answer provided by the NHBSA does not satisfy part 2 of my request for information. Therefore:*

*"Please direct me to the relevant primary and/or secondary legislation (including the relevant sections or regulations) that allows the NHS to disclose information on the EHIC application from with the organisations listed."*

*Based on the current declaration on the EHIC application form the NHBSA needs to direct me to legislation that allows it to gather the personal information of the applicant and share it for the purposes of entitlement of an EHIC (i.e. residency). Given that the current declaration makes no reference to other uses being made of the personal data I fail to see how the NHBSA can lawfully use it for anything else."*

In line with best practice in this area, I expect to be able to respond to you no later than 12 April 2017 (i.e. within 20 working days of receiving your request).

If you have any queries about this letter, please contact me on the above number.

Please quote the reference number above in any future communications.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Gooday', is centered within a light blue rectangular box.

**Chris Gooday**  
**Information Governance Manager**

cc     Gordon Wanless, Head of Internal Governance