



25th February 2016

Our ref: NIC-12941-D8J6V

Dear Mr Warren

Re: Information Request – Freedom of Information Act (FOIA) 2000

I can confirm that the Health and Social Care Information Centre (HSCIC) has considered your request dated the 27th January 2016.

“Context

“Details around practices’ issuing of Med3 statements for patients are to be extracted by the Government in a move described by GP leaders as amounting to ‘state snooping’, Pulse has learnt.

The Department for Work and Pensions (DWP) will extract information from GP records, including the number of Med3s or so-called ‘fit notes’ issued by each practice and the number of patients recorded as ‘unfit’ or ‘maybe fit’ for work. <http://www.pulsetoday.co.uk/home/finance-and-practice-life-news/gps-told-to-inform-patients-dwp-will-obtain-their-fit-note-records/20030820.fullarticle>”

Thank you for your enquiry regarding the eMED3 collection. The HSCIC, GPSoC (GP Systems of Choice) Programme team have provided answers to your questions below and attached the following material dated 16th December 2015 ‘eMED3 (fit note) Data Provision Notice letter’.

“Can patients opt out of fit note data sharing? Please share the guidance you have shared with GPs on how patients can opt out.

Yes, patients can opt out of sharing their fit note data by registering a Type 1 objection.

A Type 1 objection normally only applies to collections of patient identifiable information, the definition being that: ‘Patients can object to information about them leaving a general practice in identifiable form for purposes other than direct care, so confidential information about them will not be shared.’ A Type 1 objection therefore technically isn’t specific to the eMED3 extract because no identifiable data is provided to the HSCIC. However, for the eMED3 extract, respecting existing Type 1 objections has been included as an additional safeguard even though the data is anonymous.

If a patient has opted out of their personal data being shared with the Care.data programme with that mean they have opted out of the fit note data sharing.

Yes, if a patient has objected to the care.data collection, data will not be shared as part of the eMED3 collection.

Can GP practices opt out of fit note data sharing? Please share the guidance you have shared with GPs on how practices can opt out.

No, there is not an option for practices to opt out of this particular extract. Please see response below regarding the legal basis.

What is the legislation that enables the extraction of fit note data and sharing with DWP and Health and Social Care Information Centre, from GP practices?

The legal basis for the processing of patient information is under section 254 of the Health and Social Care Act 2012, which is allowed for by the Data Protection Act (DPA). This section allows the Secretary of State to legally direct the Health and Social Care Information Centre (HSCIC) to establish a system for the collection and analysis of patient information. In addition, section 259 of the same Act allows the HSCIC to issue a notice compelling organisations to provide the relevant information.

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,

Linda Boden
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.org.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