



3rd March 2014

Our ref: NIC-247425-Q7P0K

Dear Mr Booth,

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 2nd February 2014 (received by the HSCIC on the 3rd February 2014).

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

“With reference to the text that has recently been added to the following webpage:

<http://www.hscic.gov.uk/article/3525/Caredata>

which states:

“Note: HSCIC and NHS England are clear that the use of care.data for insurance purposes is, and will remain, strictly illegal. This document was commissioned by the Independent Advisory Group in order to help their deliberations and has no formal status.”

Please would you provide a copy of any and all legal advice that was taken in this regard, and provide a reference to the law or part of the law which specifically prohibits the provision of data to insurance companies.”

Thank you for your request. We have not taken legal advice specifically relating to this issue.

The Health and Social Care Information Centre are not prohibited by legislation from providing data to insurance companies specifically, but it is empowered to apply discretion as to who information is provided to, based on the purpose for which the data has been requested and the interests of the health service in England.

The Health and Social Care Act states;

‘The Secretary of State (SoS) may direct the HSCIC to put a system in place to collect or analyse data where the SoS considers this to be in the interests of the health service in England or of the recipients or providers of adult social care in England’.

The text on the web page in question has therefore been amended to state: ‘HSCIC and NHS England are clear that the use of care.data for insurance purposes - including but not limited to the calculation of premiums - is, and will remain, strictly prohibited. Information gathered by the care.data programme will only be released if it is being employed to benefit the health and social care system.’

“Please could you also confirm whether any provider of insurance, including healthcare insurance, has ever been given access to any data in any form from the Information Centre - including in the period before it became HSCIC.”

In relation to the HSCIC's Data Linkage and Extract Service (previously the Medical Research Information Service and the Trusted Data Linkage Service), the HSCIC can confirm that none of the organisations that have received data have obtained it for the purposes of selling or administering any kind of insurance.

We are unable to state whether any organisations we have provided data to are providers of insurance since this is not a question asked when an application is submitted. Our focus is on the intended use of the data.

The HSCIC is committed to transparency and being open with citizens about who has access to their data and why. The HSCIC Board has therefore asked for a report detailing who we have provided data to and the grounds on which it was released to be published to the HSCIC website and updated on a quarterly basis.

The report will provide information dating back to the HSCIC's formation on 1 April 2013 and is currently being collated and validated ready for publication in April 2014. Section 22 of the FOIA provides an exemption from a public authority's obligation to comply with a request for information where the information in question is intended for future publication.

The HSCIC considers that it would not be in the public interest to share incomplete, un-validated information as there could be a consequent loss in public confidence and is therefore exempt from providing a draft of this report prior to publication.

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,

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