

5 May 2020

Case Reference IC-38265-P6C0

Dear Mike Carroll-Owen,

Thank you for contacting the Information Commissioner's Office (ICO). We received your information request on 14 April 2020.

Your request

You asked us for the following:

"On the 20th March a memo sent from the Department for Health & Social Care to Local Authorities, General Practitioners, Organisations providing Health Related Services and arms length bodies of the department for health and social care clearly states the following:

"Action to be taken will require the processing and sharing of confidential patient information amongst health organisations and other bodies engaged in disease surveillance for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the Covid-19 outbreak and incidents of exposure."

But then states "2.2.Organisations are only required to process such confidential patient information: 2.2.1. where the confidential patient information to be processed is required for a Covid-19 Purpose and will be processed solely for that Covid-19 Purpose in accordance with Regulation 7 of COPI;"

Then states a Covid19 Purpose: "3. Covid-19 Purpose. 3.1 A Covid-19 Purpose includes but is not limited to the following"

and then "understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care; "

The information I would like to request is the following:

1. Was the ICO consulted on this process before it was implemented?

2. Provide all communications/Advice and Guidance in relation to Data Protection & GDPR provided to the UK government (Department for Health & Social Care) in relation to 'Confidential Medical Records' and their use for Covid19 and non related purposes during the Covid19 pandemic."

We understand you are requesting all information relating to a consultation between the Department for Health and Social Care (DHSC) and the ICO regarding data sharing during the Covid 19 Crisis.

We have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

I can confirm that the ICO does not hold information within scope of your request. This is because the DHSC did not consult the ICO before the process you describe was implemented.

By way of advice and assistance, I can confirm that NHSX shared with us their proposed guidance to clinicians on homeworking and asked for our comments and advice. Some of the input that the ICO provided was incorporated into the final guidance which has been published on the NHSX website.

Much of the input to the above was taken itself from our [DP and Coronavirus Q&A](#) which focusses on the healthcare profession.

This concludes our response.

I hope you find this information helpful.

Next steps

If you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access team at the address below or email accessicoinformation@ico.org.uk

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to the Customer Contact department, at the address below or visit the 'Complaints' section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

A copy of our review procedure is available [here](#).

For information about what we do with personal data see our [privacy notice](#).

Yours sincerely,



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