

02 May 2018

Our ref: NIC-188089-N9D8B

Dear Mr. Booth,

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

Thank you for your email dated 4th April 2018, requesting the following information:

“Please would you provide a copy of the HSCIC/NHS Digital's review of the use of pseudonymisation at source.

We note that in March 2014, NHS Digital's predecessor body asserted that the report would be published; and that assertion appears to be undelivered. (see response here:

<https://www.whatdotheyknow.com/request/198833/response/496410/attach/3/NIC%20252414%20Z0V5B%20FINAL%20FOI%20Response.pdf>)”

We have considered your request and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) I can confirm that we do hold the information that you have requested. Please see our response below.

We can confirm that the Pseudonymisation Review Interim Report which was requested in the Freedom of Information Request that you have referenced was published in July 2014. This can be found at the following location.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401614/HSCIC_Data_Pseudonymisation_Review_-_Interim_Report_v1.pdf

Subsequently a fuller HSCIC Data Pseudonymisation Review was commissioned by the Health and Social Care Information Centre (HSCIC), now known as NHS Digital, in August 2014. The review was overseen by an Independent Steering Group, with membership made up of experts representing a wide spectrum of views and interests on the subject area, including a patient representative. The review considered a wider range of issues and evidence relating to pseudonymisation, including pseudonymisation at source.

The final report was completed in March 2017. I have attached the final report as requested.

The review did find that use of pseudonymisation in isolation is not sufficient in many cases for the information to be deemed to be anonymised in line with the ICO Code of Practice on Anonymisation, and therefore fully protect the privacy and confidentiality of patients, unless other safeguards are employed alongside pseudonymisation.

This report has not been published by NHS Digital to date because of significant changes in the privacy and data security landscape while the review was ongoing. These included the National Data

Guardian Review of data security, opt-outs and consent and the subsequent Government response to this, and also the forthcoming General Data Protection Regulation (GDPR) amongst other changes, which superseded this report. However, many of the review recommendations are being used to inform NHS Digital's work.

We wish to highlight that NHS Digital (working with NHS England) is currently in the process of procuring a new technical solution to enable the secure and consistent de-identification of data for purposes beyond individual care across the NHS such as commissioning or research. The solution will incorporate the capability for controlled re-identification of individuals in exceptional circumstances such as by a healthcare professional with a legitimate clinical relationship to the patient for their individual care.

NHS Digital, in its role as the safe haven for patient data, remains committed to ensuring that information can be used to improve the health and care system whilst ensuring that patients' confidential data is kept safe and secure and their privacy is respected.

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 NHS Digital 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@nhsdigital.nhs.uk email address or by post at the above postal address.

Your request to NHS Digital will now be closed on our internal CRM (customer relationship management) system.

Yours sincerely,

A Simpson
Information Assurance Advisor

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.

NHS Digital 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 [here](#)