

18 August 2022

Our ref: NIC-669652-W1H4F

7 and 8 Wellington Place  
Leeds  
West Yorkshire  
LS1 4AP

Dear Sir/Madam,

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

Thank you for your email dated 4 August 2022 requesting the following information:

“With reference to this response from NHS England:

[https://www.whatdotheyknow.com/request/user\\_research\\_on\\_online\\_opt\\_out#incoming-2087713](https://www.whatdotheyknow.com/request/user_research_on_online_opt_out#incoming-2087713)

and in regard of the "Simplifying the opt-out" section of 'Data Saves Lives' policy paper, last updated on 15 June 2022 - and other public statements besides - please would you provide a copy of any outputs of any user research or engagement that has been conducted on the process of creating an online opt-out for GP data since 12 May 2021, i.e. the launch date of the GDPR programme.”

NHS Digital holds this information. However, we are withholding the information we hold under section 22 of the FOI Act.

Section 22 sets out that information is exempt from disclosure if it is intended for future publication, and it is reasonable to withhold the information until it is published.

NHS Digital has published the findings and outcomes of its research for GP Data for Planning and Research (GDPR) as part of an ongoing drumbeat of communication. You can see the findings of a public survey [HERE](#) and a GP survey [HERE](#) as examples. Any future reports and publications will be published [HERE](#).

NHS Digital intends to publish the findings of the user research into opt-outs and burden reduction as part of this schedule. NHS Digital intends to publish this information on its website on or before Monday 17 October 2022.

The timing of the publication is intended to support transparency so that it does not compete with other planned publications, giving each piece of content appropriate space for discussion and reflection.

Section 22 is a qualified exemption. This means that we are required to consider whether the public interest is in favour of maintaining the exemption (i.e., withholding the information), or releasing the information. As the publication is due imminently, we considered that the public interest is in favour of maintaining the exemption. This is because we would have needed to divert resource away from preparing the information for publication in order to instead

prepare it for disclosure under the FOI Act. Bringing forward publication would also divert resources and delay the publication of other related content which is due to be published in September and therefore delayed the release of this information to the public at large. We were therefore satisfied that the public interest was in favour of withholding the requested information until it was published.

We hope this information is helpful. 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](mailto:enquiries@nhsdigital.nhs.uk) email address or by post at the above postal address.

If following an internal review, you remain unsatisfied with the way in which we have handled your request you are entitled to ask the Information Commissioner to assess whether we have complied with our obligations under FOIA by writing to them at the following address:

Information Commissioner's Office  
Wycliffe House Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Email: [icocasework@ico.org.uk](mailto:icocasework@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.

Yours faithfully,

**Information Governance Adviser**