

DATA PROTECTION OFFICE NEWS

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Medical Examiners

As you will know, this programme of work has been developed on the back of the Shipman report, to add an extra level of scrutiny to non-coronial deaths. The new legislation mandating this programme was set to be implemented in April 2023, but it now looks as if this will be delayed. However, the Medical Examiners programme continues to be rolled out as a pilot in Oldham and Tameside & Glossop.

While the deceased don't come into the scope of the GDPR and the Data Protection 2018, a duty of confidentiality of course continues to apply when sharing any data. The Medical Examiner team are likely to also require Next of Kin data.

Willow Wood Hospice Data sharing agreement - For practices in Tameside & Glossop:

Last year an EMIS bi-directional read only agreement was set up between Willow Wood Hospice and the GP practices in Tameside & Glossop, with a view to enabling better, joined up care for patients in the hospice. All practices signed the agreement via the Information Sharing Gateway, but it has been brought to my attention that some practices still need to enable the data sharing agreement in EMIS web. It would be much appreciated if you check this and if you need any help, please do not hesitate to contact me.

EPaCCS Data Sharing Agreement on Information sharing Gateway for sign off

This week, the Data Protection Impact Assessment for the EPaCCS - Electronic Palliative Care Coordination system on the GM Care Record was added to the Information Sharing Gateway for Data Controller sign off. I have been involved in the

development of this DPIA. I am satisfied that this important data sharing initiative, which will enable better, joined -up End of Life Care, meets all relevant Data Protection requirements.

[Home Page - Information Sharing Gateway](#)

Accelerating Citizens Access to Records programme – EMIS opt in forms

NHSE's Accelerating Citizens Access to Records programme are now asking EMIS users to "opt in" to the programme, which would enable patients to access their prospective health data via the NHS app and equivalent apps. They have given March 31st as a deadline for opting-in, with a view to EMIS enabling the access from May 3rd 2023.

Talks between the BMA and the ICO continue and there are still currently unresolved issues.

Proxy Access pilot

NHSE have just launched a proxy access programme and are currently recruiting practices to take part in a pilot for this. Proxy access can be a good way of supporting patients whose carers are very involved in their healthcare. However, there is a significant risk for some patients, such as those with coercive/ controlling partners. As such, the programme will have to be managed very carefully and I will certainly strive to get more details about what NHS England are proposing.

ICO fines

The Information Commissioner's Office have recently confirmed that, for the next two years at least, they will not issue fines to public authorities. It is very unlikely therefore that fines would be imposed on General Practice. Instead, they would choose to use corrective measures. Please see the following letter, which confirms this:

[Open letter from UK Information Commissioner John Edwards to public authorities | ICO](#)

"No win, no fee" claims

During my time as a Data Protection Officer, I have seen more and more instances of solicitors offering to "support" patients with data breaches. Sadly, patients are being encouraged to look for and exploit weaknesses in the healthcare system, for financial gain. I would advise all practices to double check that their public indemnity covers data breaches.

If you wish to discuss any of the above, or any other Data Protection concerns, please do not hesitate to contact me on 07951 530 417 or Jane.hilldpo@nhs.net