

DATA PROTECTION OFFICE NEWS

March 2022

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NHS England Accelerating patient access programme - DELAYED

This programme of work, which will enable patients over the age of 13 to access the prospective data in their health record via the NHS app was due to be implemented from April 2022. However, due to significant concerns about the safety of sharing patient data, it has been confirmed by Anu Rao, GPC IT lead, that the programme of work will now be delayed until July 2022. On behalf of GP data controllers, Anu Rao will continue to have weekly meetings with NHS England.

There is a meeting to support administration staff in Oldham and T&G, outlining the importance of redacting sensitive data from the patient record going forward. The meeting is set to take place on Thursday 17th March at 2.30pm-4pm via Teams. Megan Harrison, T&G CCG Liaison Manager has organised this meeting and if you'd like your administration staff members to attend, please contact megan.harrison@nhs.net for the meeting link. I have attached the meeting agenda for further information.

If you haven't already done so, you may wish to attend one of the forthcoming webinars hosted by NHS Digital, dates and further information can be found here: [book onto the session](#)

Medical Examiners

Subject to Parliamentary approval and new legislature, Medical Examiners will start scrutinising all non-coronial deaths from April 2022 and it will be a statutory requirement for GP data controllers to allow the Medical Examiner team to access the patient records. Although the deceased don't come into the scope of the Data Protection legislation, we felt it was appropriate to conduct a DPIA (Data Protection Impact Assessment) as the Medical Examiners will be given full access to the clinical system and will require Next of Kin data. DPIAs/ Data sharing agreements will be

shared with GP Data controllers via the Information Sharing Gateway in due course. In the meantime, I have attached some slides, which you may find useful.

Deceased Records – Change to 2022-23 GP contract

The new 2022-23 GP contract puts the responsibility on GP Practices, rather than Primary Care Support England (PCSE), to respond to requests via the Access to Health Records Act for deceased patients to PCSE. For ease of reference, I have attached the NHS E letter which outlines this and other changes to the GP contract.

While deceased patient data doesn't come into the scope of the Data Protection Legislation, Data Controllers do of course continue to have a Duty of Confidentiality to their deceased patients. Under the terms of the Access to Records Act 1990, the following can access the deceased's health records:

- a personal representative (the executor or administrator of the deceased person's estates)
- someone who has a claim resulting from the death (this could be a relative or another person.) (Only information directly relevant to the claim should be disclosed.)

<https://www.nhs.uk/common-health-questions/nhs-services-and-treatments/can-i-access-the-medical-records-health-records-of-someone-who-has-died/>

“COPI NOTICE “extended to June 30th, 2022

On 9th February 2022, it was announced that the COPI Notice (Notice under Regulation 3(4) of the NHS Control of Patient Information Regulations 2002) has now been further extended until June 30th, 2022. The COPI Notice provides a temporary legal basis and mandates the sharing and processing of patient data with a Covid-19 purpose.

National Data opt out compliance

It was expected that the deadline for compliance with the National Data opt out would be extended in line with the COPI notice. However there hasn't yet been an official announcement of this, so we need to assume the deadline continues to be 31st March 2022. One of the main requirements to achieve compliance is ensuring the practice R.O.P.A. (Register of processing activities) is as up to date as possible and you've assessed it for data disclosures which the NDOO will apply to. The Information Sharing Gateway is a very good tool for reviewing the data flows of out your practice.

[Home Page - Information Sharing Gateway](#)

The onus is on patients to register themselves for the National Data opt Out and there are lots of resources for patients available here:

<https://digital.nhs.uk/services/national-data-opt-out/supporting-patients-information-and-resources>

If you require any further information about the above, or any other Data Protection issues, please do not hesitate to contact me at jane.hilldpo@nhs.net or westpennine.lmc@nhs.net or mobile 07951 530 417