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Dear Mr Seccombe

ECC 6-02 (FT1)/ 2012 Acute Inpatient Survey

Thank you for your application for approval under the Health Service (Control of Patient Information) Regulations 2002 to process patient identifiable information without consent. Approved applications enable the data controller to provide specified information to the applicant for the purposes of the relevant activity, without being in breach of the common law duty of confidentiality. The role of the NIGB Ethics and Confidentiality Committee (ECC) is to review applications submitted under these Regulations and to provide advice to the Secretary of State for Health (SofS) on whether an application should be approved, and if so, any relevant conditions. The application was considered at an office level as it was noted that this was a repeat of the 2011 acute inpatient survey and therefore fell within proportionate review criteria 14: *repeat projects*.

Context

This application set out details of the transfer of patient identifiable data from acute and specialist trusts to defined survey contractors for the purpose of mailing out questionnaires for the 2012 acute inpatient survey.

The cohort would relate to inpatients aged 16 years or over who were discharged from acute and specialist NHS hospitals in June, July or August 2012 (earlier for smaller trusts), who had had one overnight stay in hospital. Inpatients treated for obstetrics/maternity or psychiatric reasons, private patients, current inpatients, those without a full UK postal address, and those who are found to be deceased prior to the start of the mailings would not be included in the cohort. Such checks would be carried out locally by the Trusts.

A recommendation of support was requested to cover the transfer of patient identifiable information (as listed within the application) from trusts and the subsequent processing of this information by specified contractors. It was indicated that that NHS trusts would be advised to employ the service of one of the specified 'approved contractors' to reduce the cost, burden and risk in the provision of survey data.

The applicant confirmed that the methodology and sampling frame were identical to those used for the 2011 acute inpatient survey. It was noted that GP practice code would be included within the data submitted from trusts for the 2012 acute inpatient survey and that the

inclusion of this data item had been recommended by the ECC for previous surveys within the NHS survey programme.

It was confirmed that Patient Perspective, Quality Health and Picker would be the specific contractors used to administer surveys and that the organisations had all been subject to review by the Department of Health security review team as part of other survey applications.

ECC advice

As this was a repeat project the application was considered by the NIGB Office. Following confirmation that the data flows remained unchanged from the 2011 survey, support was recommended for the repeated activity. This recommendation of support would be subject to the following specific condition:

Specific conditions of support

1. This recommendation of support does not cover the transfer of patient identifiable information where a patient has indicated dissent.

Secretary of State decision

The Secretary of State for Health (SofS), having considered the advice from the ECC, has determined to approve the application subject to the conditions of support.

Please do not hesitate to contact me if you have any queries following this letter, I would be grateful if you could quote the above reference number in all future correspondence.

Yours sincerely

Claire Edgeworth
NIGB Deputy Approvals Manager

Standard conditions

The approval provided by the Secretary of State for Health is subject to the following standard conditions.

The applicant will ensure that:

1. The specified patient identifiable information is only used for the purpose(s) set out in the application.
2. Confidentiality is preserved and that there is no disclosure of information in aggregate or patient level form that may inferentially identify a person, nor will any attempt be made to identify individuals, households or organisations in the data.
3. Requirements of the Statistics and Registration Services Act 2007 are adhered to regarding publication when relevant.
4. All staff with access to patient identifiable information have contractual obligations of confidentiality, enforceable through disciplinary procedures.
5. All staff with access to patient identifiable information have received appropriate ongoing training to ensure they are aware of their responsibilities.
6. Activities are consistent with the Data Protection Act 1998.
7. Audit of data processing by a designated agent of the Secretary of State is facilitated and supported.
8. The wishes of patients who have withheld or withdrawn their consent are respected.
9. The NIGB Office is notified of any significant changes (purpose, data flows, security arrangements) to the application.
10. An annual report is provided no later than 12 months from the date of your final confirmation letter. Details are available on the NIGB website.