

Additional Guidance for GP Practices on Care.data

You will recently have received an information pack to help you raise awareness with patients of how their personal data are shared and used and their right to object if they are not happy.

It is important that you understand the following:

- GPs are legally required, under the Health and Social Care Act 2012, to provide data to the Health and Social Care Information Centre (HSCIC) for the care.data programme.
- GPs have *fair processing* responsibilities under the Data Protection Act 1998 and it is important that you understand the extent to which you are required to raise patient awareness as described in the examples below.
- NHS England and the HSCIC have been liaising closely with the Information Commissioner's Office (ICO) to help provide clarity and advice to GP practices on fair processing requirements.
- NHS England and the HSCIC are supporting awareness raising at a national level - this includes sending a leaflet about information and data sharing to every household in England, starting in January 2014.
- No data will be extracted from GP systems for care.data until Spring 2014. It is important you use all available time to raise patient awareness.
- GP practices will be notified prior to any data being extracted for the care.data programme.

What do I need to do to meet fair processing obligations?

As data controllers, GPs have fair processing responsibilities under the Data Protection Act 1998. In practice, this means ensuring that a person's personal data are handled in ways that are transparent and that they would reasonably expect. Because the Health and Social Care Act 2012 changes the way that confidential data are processed it is important that patients are made aware of, and understand, these changes and that they have an opportunity to object and how to do so.

NHS England, the HSCIC and the Information Commissioner's Office (ICO) have received a number of enquiries from GP practices asking for further advice on what they need to do to meet their fair processing obligations. We have been working closely with the ICO to help provide advice and clarity to GP practices on the minimum requirement. By following the advice below, the ICO has advised that GP practices are likely to remain fully compliant with the Data Protection Act 1998.

GP practices have received leaflets and posters that have been approved nationally and which the ICO has had sight of. The ICO has been clear that for GP practices to meet their fair processing obligations they need to be proactive in raising awareness with their patients. It is important that GP practices understand that the materials they have been provided with are actively communicated to patients and that patients can easily access the information.

For example:

- Provide information to patients at reception or by clinical staff
- Provide information in visible locations such as the waiting area and washrooms
- Include information with repeat prescriptions

- Place information on the GP practice website and online appointment booking pages where possible
- Use existing communication channels such as GP practice newsletters to provide information
- Use the Patient Participation Group (PPG) and GP practice manager group to help raise awareness
- Respond to queries raised by patients during consultations with healthcare staff
- Consider ongoing patient awareness raising plans for example providing information to new patients at registration
- Use other forms of local communication. This is not prescriptive; you need to take into account how to best reach your local demographic.

Awareness can also be raised across CCGs for example, by using the template press release, which can be tailored locally. We are also interested in hearing about the ways you are raising awareness locally so that we can share good practice nationally (email: enquiries@hscic.gov.uk quoting 'care.data – GP' in the subject line).

Recording objections

GP practices should consider how patients should contact the practice if they wish to discuss data sharing or object. Options might include email, letter and telephone.

What awareness activities are taking place at a national level?

NHS England and the HSCIC are committed to ensuring that patients understand how health information is shared for wider purposes and that their objections will be respected if they have concerns.

We are supporting GPs with their awareness raising obligations through a range of regional and national activities. These include:

- Resources and guidance that we have developed nationally including patient information materials and FAQs
- A patient leaflet sent to every household in England
- Digital media, for example, there are dedicated patient support pages on the NHS Choices website, including a lead article on the front page that signposts citizens to information. The site receives over 20 million hits a month.
- Providing information to 350,000 charities and voluntary groups who have been asked to cascade the information to their members.

How long do I have to raise patient awareness?

There is an ongoing need to provide patients with fair processing information. For care.data, extracts will start in Spring 2014 so patients will need to object prior to this time however, they can change their mind at any time.

It is important to note:

- practices should ensure they use the materials provided to them to ensure consistency of messages, they may supplement those with other materials providing they only convey the same messages
- practices should use all available time to raise patient awareness prior to extraction
- practices will be notified in advance of any planned extraction

- practices will be able view the data extract and are required to agree the extract before it can be sent to the HSCIC, any extracts not agreed within a fixed period will not be sent
- It is a legal requirement, under the Health and Social Care Act 2012 to disclose data to the HSCIC for the purpose of care.data unless an individual patient has objected.

GPES Training

The Health and Social Care Information Centre (HSCIC) will extract clinical data from GP practices via the GP Extraction Service (GPES) for those patients who have not objected. The GPES training materials can be found here <http://www.hscic.gov.uk/gpestraining>. GPs can choose to use another system provided that this is acceptable to the HSCIC.

What should I do if I have not received information about care.data?

If you have not received an information pack or printed materials, please telephone the HSCIC Contact Centre on 0845 300 6016 (open from 9 am to 5 pm Monday to Friday) or send an email to: enquiries@hscic.gov.uk (quoting 'care.data - GP' in the subject line). For further information, or if you wish to order additional materials please go to: <http://www.england.nhs.uk/ourwork/tsd/care-data/gp-toolkit/>

How does care.data relate to the Summary Care Record?

We are aware that there has been some confusion about the Summary Care Record (SCR) and the primary care data extract for care.data. The two initiatives are quite different. The SCR is an electronic health record that provides healthcare staff with rapid access to essential information about an individual patient in order to provide them with direct care and treatment. In contrast, the care.data programme will use data for purposes other than direct care. The programme will extract coded data from all care settings to ensure that commissioners and providers obtain a more complete and balanced picture of the care being delivered to NHS patients. Without joined-up information it is impossible to commission joined-up care or to address variations in the quality, efficiency and equity of health service provision.

Information for care.data will be extracted into the secure environment of the HSCIC as a series of codes together with the NHS number, postcode, gender and date of birth. These data are then processed in an automated way. The information released by the HSCIC will not identify individuals unless there is a legal basis e.g. approval under Section 251 of the NHS Act 2006.

It is important to note that if a patient has opted out of having a SCR then this preference will NOT automatically apply to care.data extractions. To make this clearer we have included a sentence in the patient leaflet, which will be sent to households.

Consent sought for the SCR was for that specific purpose only. If a patient wishes both to opt out of the SCR and to prevent confidential data from being used for wider purposes beyond their care, then GPs should apply **both** the SCR dissent code and the objection code(s) detailed in the care.data guidance.