



19th June 2014

Mr K Manning
Chairman
Health and Social Care Information Centre

Dear Mr Manning

My fellow ex NHS IC Board members and I were extremely disappointed to receive a copy of the HSCIC board papers relating to the *Review of data releases by the NHS Information Centre* literally just before they were issued to the press. Indeed the published HSCIC board agenda was misleading as it suggested that a verbal update would be given to the board rather than a highly detailed set of papers.

The report, which was allegedly based on the PWC audit which we had previously seen and were supportive of, is highly critical of the former organisation, despite the fact that the PWC review did not find any systemic failures by the NHS IC. Whilst you clearly had time to do so, you evidently did not see any need to provide an opportunity for representatives of the organisation you are so critical of to comment on your report, a wholly unacceptable omission on your part.

The PWC review did identify a very small number of process failings which we as members of the Board of the former NHS IC accept and apologise for. It is a fact of life that where such complex procedures are required there will be instances where they are not followed 100% of the time. We acknowledge these areas for improvement and expect that the new organisation will build on this experience; you have now set yourselves a standard where no mistakes can be tolerated.

We are however deeply concerned about the inadequacy of your report given that it clearly does not accurately reflect the range of conclusions that can be drawn from the PWC review. The emphasis and tone of the report (and especially the press release), the fact that it fails to accurately set out the context in which the NHS IC operated, and that it implies a wholesale failure by the previous organisation gives a wholly unbalanced view of what was actually found by the PWC review

Little is made of the clear message from PWC that proper, robust procedures were in place and that there was no evidence of a systemic problem with the way

in which the NHS IC released data. The HSCIC report makes only a passing reference to the fact that there is no evidence that any patient was identified by those data releases or that no complaints were received from patients as a result of these data releases.

The report fails to set out the very different context which the NHS IC was operating within, which included not only its statutory powers and duties but also government policy which placed on us a clear responsibility to ensure that the information held within the organisation was used as widely as possible. In addition, there is no mention of the significant time and effort spent working with other stakeholder bodies such as the Ethics and Confidentiality Committee, the Information Commissioners Office and the Office of National Statistics to ensure that the procedures that we implemented had their support and approval. Most data releases made by the former NHS IC were undertaken with the explicit aim of improving services to patients and helping to save lives. Improving the health of the wider public, either by the NHS and care system itself, by researchers or by others with a legitimate interest in improving access to, or provision of, health and care services was a key aim of the Information Centre and all data releases were undertaken within the ambit of prevailing legislation.

We note with interest and frustration that several of the report's recommendations, although presented as future improvements for the HSCIC, were already in train within the NHS IC, but were on hold while the NHS IC transitioned to the new body with no little or no additional resources to undertake this huge change programme.

The NHS IC spent significant time and effort in establishing the highest standards of data handling with confidentiality in order to be the trusted safe-haven for data. It is disappointing that you have chosen to disregard the positive work undertaken by the NHS IC and have, instead, issued a damaging press release based on an unbalanced report.

These are not the actions expected of a public body and I, as former Chairman of the NHS IC, have raised these issues as a formal complaint with the Department of Health.

Yours sincerely



Cc Una O'Brien, Permanent Secretary, Department of Health