

2 December 2016

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email

Dear [REDACTED]

Request under the Freedom of Information Act 2000 (the “FOI Act”)

I refer to your email of 6 November 2016 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, NHS Improvement has been the operational name for the organisation that brings together Monitor, NHS Trust Development Authority (TDA), Patient Safety including the National Reporting and Learning System, the Advancing Change team and the Intensive Support Teams.

Your request

You made the following request:

Please find attached a copy of the Information Governance Alliance data control document.

Please complete and return the attached checklist and supply copies of all documents and agreements that are/were in existence to give effect to any data sharing or specification and/or agreement as to who were data processors and/or data controllers of any data about me.

We are trying to establish exactly who holds data about us and in what capacity. We are particularly interested in correspondence to and from [REDACTED] and other members of Patient Safety and/or [REDACTED] both recent correspondence and correspondence from 2015. Please in particular clarify who is the data controller of both past data (from 2015) and current data sent to and received by [REDACTED] and what if any data sharing, data processing and/or data controller agreements are now or were then in agreement and under the freedom of information act (or the DPA) provide copies of those agreements and explain which sections are relevant if there are many long documents.

Decision

Thank you for your message.

In order to answer who holds information about you, some background may be helpful.

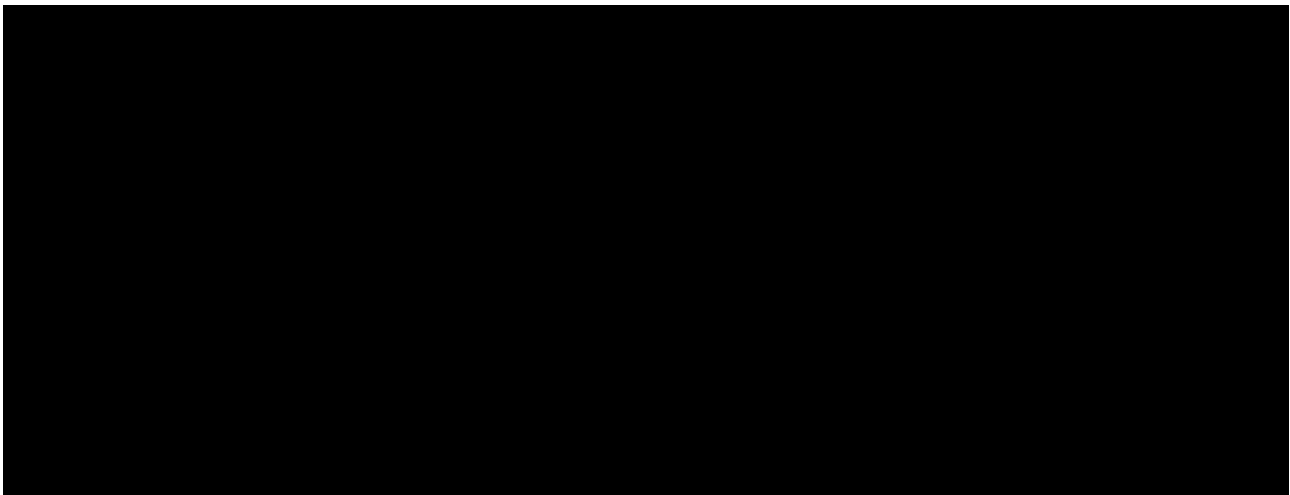
The Patient Safety team has transferred from NHS England to the TDA which became NHS Improvement on 1 April 2016 by Direction of the Secretary of State. At that time, NHS Improvement became the data controller for all emails in the possession of Patient Safety team members.

Therefore, NHS Improvement is the data controller for any existing emails involving [REDACTED] and [REDACTED] and members of the Patient Safety team, including all that have transferred to the TDA and consequently to NHS Improvement.

However, as you had previously addressed queries to NHS England, including support staff who remain at NHS England as well as current NHS England staff such as [REDACTED] NHS England may continue to have some emails as well for which NHS England remain the data controllers.

As Patient Safety has transferred by Direction from the Secretary of State for Health, there are no data sharing agreements required as this information has transferred, it was not shared with a third party who processes it on anyone's behalf.

NHS Improvement holds no data about either individual beyond the transfer of electronic business information moved as part of transfer.



Please note that NHS England is subject to the FOI Act and as such it is open to you to seek information directly from them. They will need to consider whether information can properly be provided by them in response to any such requests within the terms of the FOI Act.

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally

with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

NHS Improvement.