

# Data Provision Notice

## for Patient Objections Management for Primary Care Services, including General Practices in England

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# Document Management

## Revision History

Version	Date	Summary of Changes
1.0	19/10/15	First publication
2.0	27/05/16	Updated to include NON GPES sites, including Health and Justice Organisations with registered patients, and Ministry of Defence (MoD) Service Medical Units.
3.0	16/03/17	Updated to reflect NHS Digital's new organisational name and the extended period of the collection.

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## Background

The Health and Social Care Act 2012 (the Act) gives the Health and Social Care Information Centre now known as [NHS Digital](#) and hereafter referred to by this name, statutory powers, under section 259(1), to require data from health or social care bodies, or organisations who provide health or adult social care in England, where it has been directed to establish an information system by the Department of Health (DH) (on behalf of the Secretary of State for Health) or NHS England.

The data, as specified by NHS Digital in this published Data Provision Notice, is required to support a direction from the Department of Health (DH) (on behalf of the Secretary of State for Health) to NHS Digital. Therefore, organisations that are in scope of the notice are legally required, under section 259(5) of the Act, to provide the data in the form and manner specified below.

## Purpose of the collection

The [NHS Constitution](#) states, “You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered”.

NHS Digital is committed to supporting a patient’s wishes in respect of sharing confidential information. The NHS Digital “[Guide to confidentiality in health and social care](#)” states that:

- Patients can object to information about them leaving a general practice in identifiable form for purposes other than direct care, so confidential information about them will not be shared. This is referred to throughout this documentation as a Type 1 objection.
- Patients can object to information about them leaving NHS Digital in identifiable form, so confidential information about them will not be sent to anyone by NHS Digital other than for purposes of direct care. This is referred to throughout this documentation as a Type 2 objection.

NHS Digital has been directed by the Department of Health to collect aggregate and patient identifiable data relating to patient objections from all general practices in England under section 254 of the Act.

The collection of aggregate data will be used to honour the commitment, made in response to the recommendations of the [2013 Caldicott Review](#), that NHS Digital would monitor the rate of objections made by patients to the sharing of information. Information collected on the number of Type 1 objections made and withdrawn in each GP practice also informed the independent review of consent and opt-outs led by the Care Quality Commission, with support from Dame Fiona Caldicott.

This collection is required in order for NHS Digital to:

1. Monitor the levels of patient uptake and withdrawal of both Type 1 and Type 2 patient objection – this will be aggregate data.
2. Respect a patient’s wishes by upholding patient Type 2 objections (or the withdrawal of Type 2 objections) – this will be patient identifiable data.

Details of Type 1 objections **will not** be collected at patient level.

The patient identifiable data collected for Type 2 objections will be used internally by NHS Digital to prevent patient identifiable data from being released outside of NHS Digital for purposes beyond their direct care – it will not be published or released.

## Benefits of the collection

Patients and care recipients will have their right to object to their information being shared for purposes beyond their direct care respected by NHS Digital in line with the NHS Constitution.

## Legal basis for the collection, analysis, publication and dissemination

NHS Digital has been directed by the Secretary of State for Health in exercise of the powers conferred by sections 254(1) and (6), 262(5), 274(2) and 304(9), (10) and (12) of (the Act), and regulation 32 of the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013.

In accordance with section 254(5) of the Act, the Secretary of State has consulted NHS Digital before giving these [Directions](#).

This information is required by NHS Digital under section 259(1) of the Act. In line with section 259(5) of the Act, all general practices in England must comply with the requirement and provide information to NHS Digital in the form, manner and period specified in this Data Provision Notice.

This Notice is issued in accordance with the [procedure published](#) as part of NHS Digital's duty under section 259(8).

The data to be processed includes patient identifiable data which is deemed to be personal and as such requires fair processing under the Data Protection Act 1998. Details of how NHS Digital will meet the requirements of fair processing are published on the [NHS Digital Personal information choices website](#).

An [Information Governance Assessment](#) has been undertaken as part of the approval for this extraction by the [GPES Independent Advisory Group \(IAG\)](#) on 13 February 2014.

## Persons consulted

Following receipt of a direction to establish a system to collect data NHS Digital has, as required under section 258 of the Act, consulted with the following persons:

- Co-chairs of the Joint General Practice Information Technology Committee (JGPITC), who were content with this collection, on behalf of their members.
- The Standardisation Committee for Care Information (SCCI) who approved the data collection (reference SCCI2199)

## Scope of the collection

Under section 259(1) of the Act, this Notice is served in accordance with the procedure published as part of NHS Digital's duty under section 259(8) on the following persons:

- All general practices in England including Health and Justice Organisations and Ministry of Defence (MoD) Service Medical Units.

Under section 259(5) of the Act the organisation types specified above must comply with the form, manner and period requirements below.

## Form of the collection

This requirement relates to the extraction of patient identifiable and aggregate patient objections data that is routinely recorded on GP systems as part of the normal interaction between patients and GPs or other staff authorised to update the clinical system.

## Aggregate data

The following aggregate counts will be collected for each GP practice to allow NHS Digital to monitor Type 1 and Type 2 objections:

- The total number of patients registered at each general practice.
- The number of patients registered at each general practice who have currently recorded a Type 1 objection.
- The number of patients registered at each general practice who have currently recorded a Type 1 withdrawn objection.
- The number of patients registered at each general practice who have currently recorded a Type 2 objection.
- The number of patients registered at each general practice who have currently recorded a Type 2 withdrawn objection.

## Patient identifiable data

The following patient identifiable data will be collected from each GP practice to allow NHS Digital to uphold Type 2 patient objections in relation to data that is disclosed.

Where a patient has objected or has withdrawn their objection to their patient identifiable data leaving NHS Digital (i.e. a Type 2 objection), the following data items will be extracted for each patient with a Type 2 objection code:

Data item	Purpose
NHS Number	This will be used by NHS Digital to identify if there is a matching NHS Number within any identifiable data they plan to disclose.
Code	NHS Digital requires the following objection codes: Dissent from disclosure of personal confidential data by NHS Digital; or Dissent withdrawn from disclosure of personal confidential data by NHS Digital.

Recorded Date	The date the objection code and/or withdrawal of objection code was recorded on a patient's general practice record.
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A full history of Type 2 objection codes will be extracted so NHS Digital can ensure that the latest status is always applied and that patient wishes are respected.

Patients are able to register their objections to the sharing of their data with their GP practice and this will be recorded on GP systems using the codes listed below:

Known as:	Description	READ2	CTV3	SNOMED CT
Type 1	Dissent from secondary use of general practitioner patient identifiable data	9Nu0.	XaZ89	827241000000103
	Dissent withdrawn from secondary use of general practitioner patient identifiable data	9Nu1.	XaZ8A	827261000000102
Type 2	Dissent from disclosure of personal confidential data by NHS Digital	9Nu4.	XaaVL	881561000000100
	Dissent withdrawn from disclosure of personal confidential data by NHS Digital	9Nu5.	XaaVM	881581000000109

Full details of the data to be collected can be found in the [Patient Objections Customer Requirement Summary](#).

## Manner of the collection

Data will be securely extracted via either the General Practice Extraction Service (GPES) or NHS Digital's Secure Electronic File Transfer (SEFT) system for non-GPES sites, and processed by NHS Digital. Sites **must** use GPES where they are able to do so.

### GPES enabled sites

General practices using GPES will receive a message from NHS Digital to participate in the data collection which is called 'Patient Objections Management'.

This will appear as a service offer in the message centre of the Calculating Quality Reporting Service (CQRS) system. General practices **must** select "Yes" when they see the message asking to accept the service. They will then see a message confirming that they have accepted the CQRS service and are participating in collections for the service.

This is a one off activity for GPES enabled sites and has been completed by the vast majority of sites. Extracts will be taken automatically each month without further intervention.

Further details on GPES can be found on the NHS Digital [General Practice \(GP\) collections webpage](#).

## Non-GPES sites

Sites not using GPES will receive an email with instructions for how to register for NHS Digital's SEFT system. Sites **must** provide the registration information specified in this email in order to allow them to submit the data.

These sites will also receive an attachment of a single Microsoft Excel template (in the form of an XLS or XLSX file), with two worksheets, one for patient identifiable data and one for aggregate data as defined in "Form of the Collection" above. Sites **must** complete these worksheets and return to NHS Digital via SEFT on a monthly basis. An Open Document Spreadsheet (.ods) version of the template is available from NHS Digital upon request.

## Period of the collection

Data was collected for the first time in December 2015 and is being collected every month until the collection is replaced by a new patient data sharing preferences model recommended by Dame Fiona Caldicott and accepted by the Secretary of State. If a new model is not in place before March 2018 the existing data collection service will be reviewed. NHS Digital's [GP Collections Service Bulletins](#) will specify the data collection dates.

## Further information and support

Further information about this collection and the mechanism for collecting this data are available below:

NHS Digital [GP Collections service](#) – for more information on the data collection dates and participation.

If you have any queries in relation to the Patient Objections Management collection, please contact the NHS Digital Contact Centre via [enquiries@nhsdigital.nhs.uk](mailto:enquiries@nhsdigital.nhs.uk) with 'Patient Objections Management Data Provision Notice' in the subject line, or telephone 0300 303 5678.

## Burden of the collection

### Steps taken by NHS Digital to minimise the burden of collection

NHS Digital has sought to minimise the burden on general practices by using existing data extract technology, rather than requesting information in another format which may be more burdensome to process.

In seeking to minimise the burden it imposes on others, in line with sections 253(2)(a) and 265(3) of the Act, NHS Digital has an assessment process to validate and challenge the level of burden incurred through introducing new information standards, collections and extractions.

This assessment is carried out by the Burden Advice and Assessment Service (BAAS) who carry out a Detailed Burden Assessment (DBA) and report findings and recommendations, as part of the overarching [Standardisation Committee for Care Information \(SCCI\) process](#). The SCCI Committee oversees the development, assurance and acceptance of information standards, data collections and data extractions for the health and social care system in England.



## Detailed burden assessment findings

This collection uses the GPES system, which imposes minimal burden on general practices. Information required is routinely collected and recorded in GP systems as part of the ongoing interaction between GPs and their patients.

A survey of subject matter experts was considered sufficient to assess the burden for providers of data.

No concerns were raised by the BAAS survey.

BAAS maintains and publishes a [central register](#) of assessed data collections and extractions, including burden assessment detail relating to all national collections. Further information about the collection and estimated costs can be viewed from this register. References are R01136 for GPES and R01210 for non-GPES.

## Assessed costs

The associated burden of the data collection is:

Burden on providers	£126.7k	Based upon 7,800 GP practices 2 minutes per GP * 1 (one-off) (approx. £47,330 in total across all GPES sites) 30 minutes per GP practice manager * 12 (monthly) (approx. £79,356 in total across all non-GPES GP sites)
Set up costs for the data collection	£59.0k	Includes costs for GP system suppliers and NHS Digital
Other costs of the data collection	£194.0k	Are on a per annum basis and include ongoing costs for GP system suppliers and NHS Digital to extract and process the patient objections data.
Total costs	£379.7k	Overall burden for GPES and non-GPES data collections

## Burden Advice and Assessment Service recommendations

The burden of this collection should be reviewed in June 2017 to confirm the accuracy of the original non-GPES burden assessments. The original assessments came from general practices only and the extended timeframe for the review allows more time to complete the initial extraction from all general practices in England including Health and Justice organisations, and MOD service medical units.

## Help us to identify inappropriate collections

NHS Digital BAAS offers a Collection Referral Service, which is a simple and confidential way to allow data providers to refer data collections they feel would benefit from further scrutiny.

Visit the [BAAS website](#) for more details and information on how to [refer a collection](#).

**For further information**

**[www.digital.nhs.uk](http://www.digital.nhs.uk)**

**0300 303 5678**

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