



Health Research Authority

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16 December 2015

Mr Paul Williamson
User Voice Development Manager
Care Quality Commission
Care Quality Commission
Finsbury Tower
103-105 Bunhill Row
London
EC1Y 8TG

Dear Mr Williamson

Application title: 2016 Community Mental Health Survey
CAG reference: 15/CAG/0200

Thank you for your non-research application, submitted for approval under Regulation 5 of 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, although other relevant legislative provisions will still be applicable.

The role of the Confidentiality Advisory Group (CAG) is to review applications submitted under these Regulations and to provide advice to the Secretary of State (SofS) for Health on whether an application should be approved, and if so, any relevant conditions. This application was considered at precedent set CAG meeting held on 23 October 2015. The application was considered via the Precedent Set process under criteria 11 – *repeat projects*.

Secretary of State decision

The Secretary of State for Health, having considered the recommendation from the Confidentiality Advisory Group as set out below, has determined the following:

1. The application is approved, subject to compliance with the standard and specific conditions of approval.

This letter should be read in conjunction with the outcome letter dated 11/12/2015

Context

Purpose of application

This application from the Care Quality Commission (CQC) set out the purpose of carrying out the 2016 mental health survey, one of the surveys within the NHS national patient survey programme. The survey data would be used by NHS trusts and Clinical Commissioning Groups (CCG's) in local improvement activities. CQC would use data as part of its regulatory and surveillance activities and other relevant functions and data would also be shared with NHS England and the Department of Health.

A recommendation for class 5 and 6 support was requested to cover access to confidential patient data from mental health trusts providing mental health services to one of four 'approved' contractors, to enable contractors to send out questionnaires.

Please note that this study achieved most recent approval under the reference CAG 9 (PS1) 2014 – 2015 Mental health survey. Changes to the application since last year have been highlighted within the application form. Substantive changes may be referred to a full review at a CAG meeting.

The fundamentals did not appear to deviate significantly from what had been approved previously other than the review of the "approved contractor status" which was currently underway. The applicant confirmed that the contractor for the Co-ordination Centre for 2015 will be confirmed in November 2015 and relevant updates will be sent to the committee at that time.

Confidential patient information requested

Access was requested to name, address, year of birth, gender, ethnicity, date of last contact, CPA status, GP practice code and mental health care cluster code from NHS trusts, 1 September 2015 to 30 November 2015.

Confidentiality Advisory Group advice conclusion

The CAG agreed that the minimum criteria under the Regulations appeared to have been met and that there was a public interest in projects of this nature being conducted, and therefore advised recommending support to the Secretary of State, subject to compliance with the specific and standard conditions of support as set out below.

Specific conditions of support

1. Confirmation from the IGT Team at the Health and Social Care Information Centre of suitable security arrangements via Information Governance Toolkit (IGT) submission. **Confirmed 27/08/2015**

As the above conditions have been accepted and/or met, this letter provides confirmation of final approval. I will arrange for the register of approved applications on the HRA website to be updated with this information.

Annual review

Please note that your approval is subject to submission of an annual review report to show how you have met the conditions or report plans, and action towards meeting them. It is also your responsibility to submit this report on the anniversary

of your final approval and to report any changes such as to the purpose or design of the proposed activity, or to security and confidentiality arrangements. An annual review should be provided no later than 16/12/2016 and preferably 4 weeks before this date. If at any stage you no longer require support under the Regulations as you will cease processing confidential patient information without consent you should inform the Confidentiality Advice Team of this in writing as soon as possible.

Reviewed documents

The documents reviewed at the meeting were:

<i>Document</i>	<i>Version</i>	<i>Date</i>
CAG application from (signed/authorised)	2.0	29 September 2015
Letter from statistician [20140305 MH survey flyer FINAL]		30 September 2015
Other [20141219 MH15 Guidance trusts using an approved contractor FINAL]		19 December 2014
Other [20150701 MH15 Model service contract v1]	1	01 July 2015
Other [20150827 MH16 dissent v1]	1	27 August 2015
Other [20150827 MH16 info gov toolkit confirmation from HSIC]		27 August 2015
Other [20150827 MH16 Sampling flow chart]		27 August 2015
Other [Community_Mental_Health_Survey_2015__sampling_declaration_form_for_trusts_using_a_contractor_final]		
Other [MH15_First_Mailing_Letter_v2]	2	
Other [MH15_First_Reminder_Letter]		
Other [MH15_Model_service_contract_v1]	1	
Other [MH15_Questionnaire]		
Other [MH15_Second_Reminder_Letter_v2]	2	

Membership of the Committee

The members of the Confidentiality Advisory Group who were present at the consideration of this item or submitted written comments are listed below.

User Feedback

The Health Research Authority is continually striving to provide a high quality service to all applicants and sponsors. You are invited to give your view of the service you have received and the application procedure. If you wish to make your views known please use the feedback form available on the HRA website: <http://www.hra.nhs.uk/about-the-hra/governance/quality-assurance/>

Yours sincerely

Ben Redcliff

Email: HRA.CAG@nhs.net

Enclosures:

*List of members who considered application
Standard conditions of approval*

Confidentiality Advisory Group sub-committee meeting 23 October 2015

Name	Capacity
Dr Patrick Coyle	Chair
Dr Kambiz Boomla	Member
Dr Robert Carr	Member

Standard conditions of approval

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 there are no disclosures 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 is facilitated and supported.
8. The wishes of patients who have withheld or withdrawn their consent are respected.
9. The Confidentiality Advice Team is notified of any significant changes (purpose, data flows, data items, security arrangements) prior to the change occurring.
10. An annual report is provided no later than 12 months from the date of your final confirmation letter.
11. Any breaches of confidentiality / security around this particular flow of data should be reported to CAG within 10 working days, along with remedial actions taken / to be taken.