



**Health Research Authority**  
**Confidentiality Advisory Group**  
On behalf of the Secretary of State for Health

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26 August 2014

Dear Applicant

**Study title:** 2014 Inpatients Survey  
**CAG reference:** CAG 7(PS2)/2014

Thank you for your service evaluation 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 for Health on whether an application should be approved, and if so, any relevant conditions. This application was considered on 11 August 2014.

### **Secretary of State for Health approval decision**

The Secretary of State for Health, having considered the advice 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 19 August 2014.

### **Context**

#### Purpose of application

This application from the Care Quality Commission set out the transfer of patient identifiable data from acute and specialist Trusts, to an approved survey contractor for the purpose of mailing out questionnaires for the 2014 inpatient survey.

A recommendation for class 5 and 6 support is requested to access patient information for a survey that is aimed at auditing, monitoring and analysing patient care.

#### Confidential patient information requested

Access was requested to title, initial, full name, full address, postcode, ethnicity, year of birth, gender, date and time of attendance.

### **CAG advice conclusion**

CAG agreed that the minimum criteria under the Regulations appeared to have been met, and therefore advised recommending support to the Secretary of State for Health, subject to compliance with the specific and standard conditions of support as set out below.

### **Specific conditions of support**

1. Confirmation that the 2014 guidance manual does not contain any changes since the 2013 version, which was submitted in this application. **Applicant confirmed 18/08/2014 that all changes between the 2013 and 2014 guidance manuals were documented within the submitted application form.**
2. Confirmation of suitable security arrangements via IG Toolkit submission. **Confirmed 15/08/2014.**

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. We are also streamlining the process to facilitate the service we provide to applicants. This means that annual reviews will be batched and reviewed on the last day of the preceding month before the date of approval. An annual review should therefore be provided no later than 31 July 2015 and preferably 4 weeks before this date.

Please do not hesitate to contact me if you have any queries following this letter. I would be grateful if you could quote the above reference number in all future correspondence.

### **Reviewed documents**

The documents reviewed at the meeting were:

<i>Document</i>	<i>Version</i>	<i>Date</i>
Core questionnaire	2	24 July 2014
Application form		July 2014
First reminder letter	2	11 July 2013
Sampling flowchart	2	24 July 2014
First mailing letter	3	11 July 2013
2013 guidance manual	12	23 August 2013
Second reminder letter	2	11 July 2013
Survey flyer		5 March 2014
Survey sampling checklist		23 May 2014
Dissent document	1	22 July 2014
Cognitive testing report	3	23 July 2014
Email response to conditions of CAG Outcome letter		18 August 2014

## **Membership of the Committee**

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

There were no declarations of interest in relation to this item.

## **Feedback**

You are invited to give your view of the service provided by the Confidentiality Advice Team and the application procedure in general by completion of this survey <http://www.hra.nhs.uk/about-the-hra/governance/quality-assurance/>. We would be grateful if you could take some time to provide your feedback.

With the Group's best wishes for the success of this project.

Yours sincerely

John Robinson  
Confidentiality Advisor

Email: [HRA.CAG@nhs.net](mailto:HRA.CAG@nhs.net)

*Enclosures: List of members who were present at the meeting  
and those who submitted written comments*

Standard conditions of approval

*Copy to: Juliette Harrison ([Juliette.Harrison@cqc.org.uk](mailto:Juliette.Harrison@cqc.org.uk))*

**Confidentiality Advisory Group  
Sub-committee Meeting 11/08/2014**

**Group members**

Name	Capacity
Professor Ann Jacoby	
Dr Kambiz Boomla	
Dr Tony Calland (Chair)	
Professor Barry Evans	

## **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.