Health Research Authority

Skipton House
80 London Road
London
SE1 6LH

Telephone:02079722557
Email: HRA.CAG@nhs.net

4 May 2016

Chris Graham
Picker Institute Europe
Buxton Court
3 West Way
Oxford
OX2 0JB

Dear Mr Graham

Application title: **2016 Adult Inpatient Survey**
CAG reference: **16/CAG/0041**

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 the precedent set CAG meeting held on 11 March 2016. 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 22nd April 2016

Context

Purpose of application

This application from Care Quality Commission set out the purpose of the 2016 Inpatient Survey. The inpatient survey would include all eligible trusts who would be asked to conduct the survey with preparations expected to begin in August 2016. All trusts will draw a sample of patients according to set criteria, and follow standardised materials and procedures for all stages of the survey. Administration of the Inpatient survey requires NHS trusts to share two distinct sets of information with their approved contractor; a mailing fila and a sample data file.

The end product from this survey will be a set of aggregate statistical data that does not contain patient identifiable information. This statistical dataset is used for a wide variety of purposes to support ongoing improvement in overall patient experience: The survey data is used extensively by NHS trusts and Clinical Commissioning Groups (CCG's) in local improvement.

Approximately 1,250 patients would be included at each trust. These are inpatients aged 16 years old or over who were discharged from acute and specialist NHS hospitals in July 2016 (and earlier for smaller trusts), having had one overnight stay in hospital.

A recommendation for class 5 and 6 support was requested to cover access to information from relevant trusts to allow surveys to be administered.

Confidential patient information requested

Access was requested to; name address and postcode, ethnicity, year of birth, date and time of attendance, CCG code, ICD10 code, NHS site code on admission or discharge, main specialty on discharge, whether admission from Treatment Centre, route of admission.

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. Recommendation from the Caldicott Guardian (or equivalent). **Confirmed 7/04/2016**
2. Confirmation from the IGT Team at the Health and Social Care Information Centre of suitable security arrangements via Information Governance Toolkit (IGT) submission. **Confirmed 12/04/2016**

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 4 May 2017 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:

Document	*Version*	*Date*
CAG application from (signed/authorised)		
Confidentiality policy		
Corporate Level Security Policy(CLSP)		
Patient Information Materials [First_Mailing_Letter]		
Patient Information Materials [First_Reminder_Letter]		
Patient Information Materials [Opt_Out_Poster]		
Patient Information Materials [Questionnaire]		
Patient Information Materials [survey flyer FINAL]		
Research protocol or project proposal		

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 Redclift
Email: HRA.CAG@nhs.net

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

Confidentiality Advisory Group sub-committee meeting 11 March 2016

Group Members:

Name	*Profession*	*Present*	*Notes*
Dr Kambiz Boomla		Yes	
Dr Patrick Coyle		Yes	
Mr Marc Taylor		Yes	

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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.