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13 January 2012

Dear Mr Seccombe

ECC 8-05(a)/2011 2012 Community Mental Health Survey

Thank you for your application for approval under the Health Service (Control of Patient Information) Regulations 2002 to process patient identifiable information outside the common law duty of confidentiality. This application was considered by the Department of Health on behalf of the Secretary of State.

Context

Purpose of application

This application from the Care Quality Commission (CQC) detailed a patient survey which aimed to improve the mental health and well-being of the nation and improve outcomes for people with mental health problems. The community mental health services survey was one of the key sources of information to assess progress in improving the experience of healthcare for people with a mental illness.

A recommendation for class 3, 5 and 6 support was requested to provide a legitimate basis for the transfer of confidential patient information from mental health trusts (up to 61 trusts) and PCTs providing mental health services to one of four 'approved' contractors and to the central coordinator (Picker Institute Europe), to enable contractors to send out questionnaires.

Confidential patient information requested

Access was requested to name, full postal address, gender, year of birth, ethnicity, date of last contact, Care Programme Approach (CPA) status and GP code in order to send questionnaire and allow subsequent analysis.

Conclusion

At the December meeting, the committee agreed that the minimum criteria under the Regulations appeared to have been met, and therefore advised recommending provisional

support to the Secretary of State for Health, subject to specific conditions as set out below. Confirmation of your acceptance of the conditions of approval was received on 22 December 2011.

Specific conditions of support

1. Confirmation of a favourable opinion from a REC. **Received 22/12/2011**
2. Confirmation of satisfactory security review, please provide a completed system level security policy on the attached template. **Approved 12/10/2012 for two contractors, Quality Health and Picker Institute Europe.**
3. The recommendation of support does not include patients aged 16-17. **Confirmation that 16-17 year olds data would not be used received 22/12/2011.**

As the conditions of support have now been accepted or met, this letter provides final confirmation that the Secretary of State for Health has approved your application to process patient identifiable information outside the common law duty of confidentiality.

Future applications

Members advised that the following should be included in any future applications for this audit:

1. Evidence of the benefit of the patient survey to patient care.
2. Evidence of engagement with service users.
3. Alternative methods to ensure that CPA status could be disclosed in a pseudonymised format, which could then be linked to survey responses, should be explored.
4. Guidance to be provided to trusts in relation to meeting fair processing requirements to ensure reasonable efforts are made to inform patients.

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.

Yours sincerely

Claire Edgeworth
NIGB Deputy Approvals Manager