



## Health Research Authority

Confidentiality Advisory Group  
On behalf of the Secretary of State for Health

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04 February 2014

Dear Mr Seccombe

**Study title:** 2014 Community Mental Health Survey  
**CAG reference:** CAG 9-07 (b)/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 the 9<sup>th</sup> January 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 further clarification and compliance with the standard and specific conditions of approval, to allow the survey to proceed unchanged from previous applications.
2. The aspect of the application which refers to receipt of mental health care cluster and retention of GP practice code for analysis is not included.

This letter should be read in conjunction with the outcome letter dated 22 January 2014.

## Context

### Purpose of application

This application from the Care Quality Commission (CQC) set out the purpose of carrying out the community 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 and to the central coordinator (Picker Europe), to enable contractors to send out questionnaires.

### Confidential patient data requested

Access was requested to name, address, year of birth, gender, ethnicity, date of last contact, CPA status and GP practice code.

## Confidentiality Advisory Group advice

### Repeat of 2013 Community Mental Health Care Survey

The CAG agreed that the minimum criteria under the Regulations appeared to have been met, and therefore advised recommending *provisional* partial support to the Secretary of State for Health. This was in relation to the survey activity being repeated using the established methodology without the addition of mental health care cluster data or retention of GP practice code for analysis at practice level and subject to compliance with the specific and standard conditions of support and further clarifications set out below. Further information was received from the applicant on the 23 January 2014 and is summarised below in bold.

## Request for clarification

1. Please confirm what information will be shared with NHS England and Department of Health and the controls in place to govern this disclosure. **The full respondent dataset would be shared with NHS England, however GP practice code would be removed prior to disclosure. Data would be shared in line with CQC information sharing policy.**
2. Please confirm that data will not be disclosed outside the EU. **It was confirmed that personal data would not be disclosed outside the EU**

## Inclusion of mental health care cluster data and retention of GP practice data

The CAG agreed that further information would be required prior to providing a recommendation to the Secretary of State for Health in relation to the inclusion of mental health care cluster data and retention of GP practice code, members requested the following clarifications as set out below.

### **Request for clarification**

1. Please provide further justification for the addition of mental health cluster data to include: consideration of practicable alternatives, evidence of discussion with HSCIC.
2. Please provide further information in relation to with which organisations GP practice level data will be shared and how the CQC will ensure that it will not be possible to associate a survey response with an individual patient at practice level

**The request was amended and it was confirmed that mental health care cluster code would not be included. GP practice code would only be used to determine CCG as per previous applications.**

### **Specific conditions of support**

1. Confirmation of suitable security arrangements via IG Toolkit submission.  
**Confirmed that satisfactory IG toolkit submission had been confirmed for Picker Institute Europe, Quality Health, Patient Perspective and CAPITA Survey and Research.**
2. Confirmation of favourable opinion from a Research Ethics Committee. **Received 11 December 2013.**

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 January 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 and as part of the response to clarification and conditions were:

<i>Document</i>	<i>Version</i>	<i>Date</i>
Section 251 application form		06/12/2013
First mailing letter	V2	
First reminder letter	V1	
Second reminder letter	V2	
Questionnaire	V10b	
Dissent paper		06/12/2013
Sampling flow chart		06/12/2013
CQC response to CAG cover letter		23/01/2014
REC favourable opinion letter		11/12/2013

## Membership of the Group

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 <https://www.surveymonkey.com/s/KPRFK5T>. We would be grateful if you could take some time to provide your feedback.

Yours sincerely

Claire Edgeworth  
Deputy Confidentiality Advice Manager

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

**Confidentiality Advisory Group  
Attendance at meeting on 09 January 2014**

**In attendance**

Name	Position (or reason for attending)
Ms Natasha Dunkley	Confidentiality Advice Manager, HRA
Ms Claire Edgeworth	Deputy Confidentiality Advice Manager, HRA
Mr David Evans	Expert advisor – Data Protection, Information Commissioner’s Office
Mr John Robinson	Confidentiality Advisor, HRA
Ms Rebecca Stanbrook	Director of Confidential Advice – section 251, HRA
Mr Stephen Robinson	Corporate Secretary, HRA (observing)
Ms Joan Kirkbride	Director of Operations, HRA
Ms Elizabeth Coates	Research Governance Co-ordinator, Public Health England (observing)

**Group members**

Name	Capacity
Dr Mark Taylor (Chair)	Lay
Dr Charlotte Augst	
Dr Kambiz Boomla	
Dr Tony Calland	
Dr Robert Carr	
Ms Madeleine Colvin	
Professor Julia Hippisley-Cox	
Dr Patrick Coyle	
Dr Tricia Cresswell (vice-chair)	
Mr Anthony Kane	Lay
Professor Jennifer Kurinczuk	
Ms Clare Sanderson	
Dr Murat Soncul	
Mr C. Marc Taylor	
Ms Gillian Wells	Lay
Dr Christopher Wiltsher	Lay

## **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.