



## THE SCOTTISH OFFICE

### National Health Service in Scotland Management Executive

NHS  
MEL(1992)14

St. Andrew's House  
Edinburgh EH1 3DE

Dear Colleague

#### SAFEGUARDING THE CONFIDENTIALITY OF IDENTIFIABLE DATA IN THE CONTRACTING PROCESS

##### Summary

1. Substantive guidance on further measures to protect patient confidentiality in the contracting process is under urgent consideration. This letter serves as a reminder that existing guidance must continue to be followed and in particular that the release of personal health information to contract management systems must not take place unless the sender is satisfied that the recipient has satisfactory and effective policies and protocols covering access to that data as required by Circular SOHHD/DGM(1991)39.

##### Action

2. As the contracting process is widened it is imperative that all appropriate steps are taken to ensure that patient confidentiality is maintained. Active and urgent consideration is being given within the Management Executive to the additional measures which will be necessary to protect patient identifiable data and we are liaising closely with our colleagues in the Department of Health. The results of this work, which will be informed by the work of the CRAG Working Group on Access to Named Data (the Weir Report) will issue soon.

3. You are asked to ensure that the procedures in place within your organisation fully accord with the terms of the current guidance:-

- a. NHS Circular No 1990(GEN)22:  
Confidentiality of Personal Health Information:  
A Code of Practice (7 June 1990).
- b. SHHD/DGM(1991)39: Safeguarding the  
Confidentiality of Personal Data Associated with  
Contracts (31 May 1991).
- c. Procedural Manual on Contracting for  
Hospital and Community Health Services issued  
12 November 1991 (ref 6.11).

4. In the period leading up to the issue of substantive guidance it is important that the existing guidance is rigorously applied. In

Telephone 031-244  
Fax 031-244 2683

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##### Addressees

For action:  
General Managers,  
Health Boards

Chief Executives, NHS  
Trusts

Chief Administrative  
Medical  
Officers/Directors of  
Public Health

General Manager,  
Common Services Agency

For information:  
General Manager, State  
Hospital

General Manager,  
Health Education Board  
for Scotland

Chief Executive  
Designate, NHS Trust

To be copied to Unit  
General Managers

##### Enquiries to:

Mr C B Knox  
Director of  
Information Services  
NHS Management  
Executive  
Keith House  
2 Redheughs Rigg  
South Gyle  
EDINBURGH  
Tel: 031-317-2250

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particular there must be clear practices and protocols covering access to personal health information held in contract management systems which comply with the guidance in Circular SOHHD/DGM(1991)39 and in particular the terms of the section on "maintaining confidentiality", paras 5-14. Therefore access to such data must only be allowed to specified staff, and exceptionally, all arrangements for access to data must have the approval of the Chief Administrative Medical Officer or for NHS Trusts the designated senior doctor.

5. Where Boards, Trusts or DIS/ISD are being requested to transfer personal health information they must satisfy themselves by reasonable but diligent enquiry that the recipient has satisfactory policies and protocols in place before transferring the data. Any concerns or difficulties in this area should be raised with the Director of Information Services.

6. Substantive guidance will be issued as quickly as possible and before the main flows of 1992/93 data are expected.

7. I shall be grateful for your full co-operation in this matter.

Yours sincerely



DON CRUICKSHANK