Dear Colleague,

Consultation: Proposed Amendments to the National Health Service Central Register (Scotland) Regulations 2006

Thank you for giving NHS National Services Scotland (NSS) the opportunity to respond to your consultation on the proposed amendments to National Health Service Central Register (Scotland) Regulations 2006. The consultation paper lacks detail in some key areas making it difficult to respond to the questions in a substantive way. Representatives of NSS will be pleased to discuss further details of the proposals with the Registrar General and provide more detailed and constructive feedback. Other NHS Bodies involved in collecting information on the NHSCR will also have to be closely involved in decisions regarding proposed changes.

Our responses to the specific consultation questions are attached. If you would like clarification on any of the comments made, please contact Mrs Lynn Morrow, Corporate Affairs and Compliance Manager on 0131 275 6250.

Yours sincerely,

IAN CRICHTON
Chief Executive
Annex E: Consultation Questions

The consultation sets out a number of proposed amendments. Views are invited on the following:

1) Where data relating to a citizen is held it should be accurate.
Do you agree that the approach suggested at paragraphs 9-11 is an effective approach to achieving this?

Yes ☐ No ☐

If No, please describe the approach you feel should be taken.

The NHSCR contains demographic details plus a unique citizens reference number for all persons born or dying or registered with a GP in Scotland and information about moves from the NHS in Scotland. It contains information therefore on nearly all Scottish residents. The data it contains are of high quality and kept up to date.

The NHS CHI database is the single register of patient’s in Scotland and holds the demographic data for patients including the post code and is used for key NHS functions e.g. national screening services and payment of primary care contractors. All people using the NHS in Scotland are included.

Addition of Postcode from the CHI database would increase the level of detail contained in the NHSCR. The consultation paper does not include sufficient detail regarding the necessary purpose for adding the postcode nor an assessment of the risks to privacy to support a decision. Meanwhile robust approval structures are in place to enable access to information held in the CHI database for necessary purposes.

It would be valuable to have more detailed and extensive engagement with the public regarding both registers and the way that they are used, including the safeguards in place, to provide an important public service.

2) We propose to extend the current ability to trace persons a) who go missing whilst in education and b) who should pay for treatment provided by the NHS.
Do you agree with these proposal set out in paragraphs 12-13?

Yes ☐ No ☐

If No please explain why not?

NHSCR is enabled already to assist in tracing persons on behalf of charities and solicitors seeking beneficiaries of wills. No personal information is released to the groups seeking to trace the individuals. NHSCR and Health Boards act as intermediaries and individuals respond only of they choose to do so.

For the two additional groups listed in a) and b), the situation will be different. The NHS has processes in place already in respect of group b). To answer the question it would be necessary to have more detail regarding ways in which NHSCR would be used in collaboration with existing systems for tracing those
groups of people as well as detail regarding the safeguards proposed to share information appropriately.

In theory both would be reasonable purposes for the NHSCR. It is important for child protection to be able to trace children missing whilst in Education. Getting it Right for Every Child promotes cross sector sharing of data in the interest of child protection including between health and education.

3) In order to allow citizens to make use myaccount for a wider group of services (beyond health and local government), as set out in paragraphs 14-16, we propose to provide access to the bodies named in draft Schedule 3 (Annex B). Are there any additional service providers who you feel should be included?

Use of NHSCR to support myaccount is described in the PIAs referenced. There may be benefits to the public and the public health in sharing information more widely in order to improve public service delivery through the use of high quality information in myaccount. However, the list of bodies included in schedule 3 is very extensive and it is not clear what services they will provide and how use of NHSCR and myaccount is justified in each case.

The benefits and privacy implications of each application from an individual public body would need to be considered before any agreement to share. The consultation document refers to data sharing agreements to ensure minimum data are provided and used only for the specified purpose. This would be an important safeguard. Existing users of myaccount would need to be informed of all changes.

The original and proposed new content of Schedule 2 requires to be reviewed. It suggests that there is more information sharing than currently takes place or is proposed.

4) Do you consider that the proposals set out in paragraph 18 are an effective method to identify Scottish Tax payers?
Yes ☐ No ☐

If No please describe the approach you feel should be taken.

The proposal is to share demographic information including postcode with HMRC to enable allocation of the Scottish tax receipts. Information on the register was not gathered for this purpose. However, appropriate allocation of taxes is necessary to support public services including the NHS. Recent publicity indicates that this purpose may be particularly sensitive. HMRC already holds information regarding tax payers in Scotland and alternative ways of improving their data quality should also be considered.

Again a more detailed analysis of benefits and risks is important