

National Data Opt-Out Factsheet-July 2019

BACKGROUND

The National Data Opt-Out was introduced in May 2018 to give patients and the public more control over how their **confidential** patient information is used for research and planning purposes.

All health and care organisations are required to be compliant with the National Data Opt-Out Policy by **March 2020**. So, every GP practice **MUST** comply with this.

As the GP IT Operating Model: Securing Excellence in GP IT Services requires CCGs to support GP practices, in our contract to support CCGs and GP practices, we will work with you to ensure compliance with the national data-opt out policy.

HOW CAN THE PUBLIC OPT-OUT?

The public can change their national data opt-out choice via www.nhs.uk/your-nhs-data-matters or by calling the NHS Digital Contact Center on 0300 303 5678.

HOW CAN WE HELP?

- Raise awareness of the policy and what being compliant means
- Help you to review existing data disclosures
- Ensure you have the correct governance processes in place
- Help you to update your Privacy Notices

GUIDANCE AND RESOURCES

<https://digital.nhs.uk/national-data-opt-out>

[Compliance
Implementation Guide](#)

[Operational policy guidance](#)

[Data Uses and Releases
Compendium](#)

CONTACT US



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National Data Opt-out FAQs

1 What is the national data opt-out?

It is a service that enables the public to opt out of their confidential patient information being used for purposes beyond their individual care and treatment. It was introduced for the health and social care system in England on 25 May 2018. The public can change their national data opt-out choice at any time via www.nhs.uk/your-nhs-data-matters, or by calling the NHS Digital contact centre on **0300 3035678**.

2 What's its purpose?

It is to give the public a choice about whether their confidential patient information is shared for research and planning.

3 Which organisations need to comply with national data opt-out policy?

The national data opt-out applies to data for patients where their care is provided in England by a publicly funded organisation or the care has been arranged by a public body such as the NHS or a Local Authority, it does not apply to data related to private patients/clients at private providers.

In summary the national data opt-out applies to:

- all NHS organisations (including private patients treated within such organisations)
- all Local Authorities providing publicly funded care
- adult social care providers where the care provided is funded or arranged by a public body
- private or charitable healthcare providers providing NHS funded treatment or arranged care

4 When do organisations need to comply?

The Department of Health and Social care require all health and adult social care organisations to comply with the policy by March 2020 as set out in the information standard: [DCB3058 Compliance with National Data Opt-outs](#). Compliance by this date also ensures organisations can complete the evidence item 'compliance with national data opt-out policy' in the [Data Security and Protection toolkit](#) for 2019/20.

5 When will the National data opt-out apply?

The National Data Opt-Out will apply when:

- confidential patient information is used for purposes **beyond an individual's care and treatment**

AND

- the legal basis to use the data is **approval under regulation 2 or 5 of the Control of Patient Information Regulations 2002, section 251 of the NHS Act 2006**

National data opt-out will not apply to uses beyond individual care and treatment in the following circumstances:

- when the data being used is anonymised such that it is considered to meet the requirements of the Information Commissioner's Office (ICO) anonymisation code of practice
- when data is provided under a mandatory legal requirement
- when there is an overriding public interest
- when the patient has given explicit consent to the use of their data for the specific purpose, eg they have consented to participate in a medical research study

- when data is provided to the National Cancer Registration Service or the National Congenital Anomalies and Rare Diseases Registration Service, which both operate separate opt-out mechanisms
- when the data is not confidential patient information
- data is provided for the oversight and provision of population health screening programmes
- data is provided for the purposes of risk stratification for case-finding when carried out by a provider involved in an individual's care
- data is provided for non-contracted invoice validation

For more information about CAG and the section 251 approvals process see: <https://www.hra.nhs.uk/approvals-amendments/what-approvals-do-i-need/confidentiality-advisory-group/>

6 What do organisations need to do?

Put processes and procedures in place, by March 2020, to be able to assess any current or future uses of confidential patient information prior to disclosure to consider and apply national data opt-outs where necessary, in accordance with [national data opt-out operational policy](#).

Organisations are required to communicate when they are compliant e.g. by including a compliance statement in a published Privacy Notice.

For more information on what it means to be compliant and how to apply national data opt-outs see: [Compliance with national data opt-out](#)