

Department of Health and NHS England Statistical Policy: Disclosure and Confidentiality

The Department of Health (DH) and NHS England are committed to upholding the Code of Practice principle that private information about individual persons compiled in the production of official statistics is confidential and should be used for statistical purposes only. It follows the practices set out in the Code and applies as appropriate the additional guidance provided by the National Statistician on the Confidentiality of Official Statistics: <http://www.statisticsauthority.gov.uk/national-statistician/guidance/index.html>. The Head of Profession has issued this Guidance to statistical staff with the statement that they should consult it, particularly those elements which relate directly to their work.

DH and NHS England practice on disclosure control for health statistics is regulated by Government Statistical Service (GSS) policies on the minimum standards necessary to ensure confidentiality of tabular outputs for public release, while preserving the practical utility of statistical publications and databases. Two policy documents are available: one for tables produced from surveys and one for tables produced from administrative sources. The documents can be found at: <http://www.ons.gov.uk/ons/guide-method/best-practice/disclosure-control-policy-for-tables/index.html>. DH and NHS England are committed to applying the GSS policy across all of its statistical work.

We recognise that in some respects the law pulls in two opposite directions. Human Rights and Data Protection legislation, along with the common law duty to respect confidentiality, require us to protect information that could identify an individual. The Freedom of Information Act requires public authorities to release information about their activities. In striking an appropriate balance between these two considerations we will give due regard to the published anonymisation standard for publishing health and social care data:

<http://www.isb.nhs.uk/documents/isb-1523/amd-20-2010/1523202010guid.pdf>

Most statistics collected by DH and NHS England are not disclosive because they are collected in aggregate form and contain few details about the individuals concerned. Publication of such information generates minimal or no disclosure risk. One example of information collected by DH that is potentially disclosive is the collection of data on abortions. In using and releasing abortion statistics there is a risk, generally with small numbers, that individuals could be identified. In July 2005 the Office for National Statistics (ONS) published an advisory report on disclosure guidance for abortion statistics. DH accepted and implemented this advice from the National Statistician.

In April 2011, DH was ordered to release specific information on abortions involving fetal abnormality previously withheld in accordance with the guidance. DH is currently working on a revised disclosure control protocol for abortion statistics that takes account of this order and other developments. DH will publish details of the protocol once finalised. DH is now dealing with requests for abortion statistics on a case by case

basis, examining the disclosure risks associated with each to determine what can be provided.

Some disclosive statistics are supplied to DH by third parties such as ONS and the Health and Social Care Information Centre. This only occurs where there is a genuine need and where doing so is in accordance with legal and professional frameworks. The transfer, maintenance and use of these data are undertaken in line with the National Statistician's guidance on the Confidentiality of Official Statistics.

DH staff and NHS medical practitioners are in addition under obligations to respect the confidentiality of patient information. More information can be found in the Confidentiality NHS code of practice available on the GOV.UK website:
<https://www.gov.uk/government/publications/confidentiality-nhs-code-of-practice>