**Standard Breach letter to supplier**

Dear Sirs

**Re: Patient Identifiable information on/with invoices or payment requests**

It has come to the attention of staff responsible for invoice processing that Personal Confidential Data (PCD) relating to patients or service users was included on the face of or in attachments to the following invoice(s):

Date Reference £ Amount

These documents have therefore been rejected or delayed in payment and you may have to resubmit. You should contact ……………….for further information.

Please review your invoicing processes to ensure that such personally identifiable information is not included in invoices or supporting schedules, is adequately protected, and not inadvertently disclosed in any further submissions.

PCD may be as little as the patient’s name, so just the association of a name with a particular kind of care or treatment on an invoice is unacceptable.

Patients and service users have a legal right to have their PCD protected from disclosure outside the limited purposes for which they have given consent. Invoices and schedules you send through general channels to the NHS for payment are unavoidably visible (in the course of processing) to individuals who have no need to know or right to see PCD. Therefore any disclosures of PCD you make directly on payment documents are in breach of Data Protection Legislation, and may open up risk of harm to vulnerable individuals.

You must therefore take care not to include any PCD on invoices or schedules you send to the NHS for payment; instead you should use an agreed pseudonymised reference which the NHS can use to validate your claim for payment against a secure patient record, or you may supply information separately through agreed secure channels.

NHS support staff who need to see PCD to enable them to validate invoices for payment may only have the information necessary to identify a patient directly if consent from the patient or their representative has been obtained to process their information for invoice validation financial purposes. An example of this is a Continuing Health Care funding request. On submitted invoices you should therefore quote a confidential reference number issued by or on behalf of the CCG. NHS (or NI) numbers are not a suitable reference as these are available quite widely in other systems to identify individuals.

Invoices or attachments containing PCD will be rejected by SBS and/or the CCG and payment may be blocked or delayed if the invoices you submit are not compliant with this legal requirement. The CCG will log the breach as an incident for investigation in accordance with local and national procedures. Incidents which are assessed as serious will be reportable to the Information Commissioner’s Office, Department of Health and NHS England. Should your organisation become aware of a data breach you should report it to the commissioner of the service.

Your organisation may also be held liable for any harm or distress caused to the patient concerned, if their confidentiality has been breached.

* Please do not quote patient names in invoices or supporting documents.
* Use a suitable pseudonym if available and appropriate such as a confidential case reference, to enable invoices to be readily checked against eligibility criteria for approval and payment.
* Schedules timesheets or other correspondence sent in support of Invoices through general invoicing channels should have patient names or other PCD redacted before being attached.
* If you need to send PCD to support invoice validation for payment and you have the supporting legal basis to do so including patient/service user consent, the CCG can supply you with the address of a secure mailbox for this purpose.

The legal and regulatory background is explained more fully at:

<https://www.england.nhs.uk/ourwork/tsd/ig/in-val/>

Please feel free to contact xxxxxxxxxxxxxxx if you have any queries regarding this letter.

Yours faithfully