**Standard general letter to supplier**

Dear Sirs

**Re: Personal Confidential Data (PCD) of patients supplied on/with invoices or payment requests**

I am taking the unusual step of contacting providers of NHS funded patient care concerning the inclusion of PCD on the face of invoices (or accompanying schedules) submitted to NHS Shared Business Services (SBS) at Wakefield for payment by the CCG. The purpose is to ask you to review your invoicing processes to ensure that such PCD is adequately protected and not inadvertently disclosed, and that you are aware of acceptable methods of sending PCD if necessary to support invoice validation for payment.

In a number of instances across a range of suppliers it has become apparent that patients’ names, addresses and other confidential details are being included, sometimes routinely, on the face of invoices or supporting schedules sent to CCGs for payment via SBS general invoice scanning and electronic loading processes.

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 for non-direct care purposes (including validation for invoice payment, for which they must have given consent) unless there is a clear legal basis to do so, e.g. a court order or criminal investigation. Invoices and schedules you send through general post or electronic submission 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 the Data Protection regulations and may open up risk of harm to vulnerable individuals.

You must therefore take care not to include any PCD directly on invoices or schedules you send to the NHS for payment; instead on the face of any such document you may quote an agreed pseudonymised reference, which the NHS can then use locally to validate your claim for payment against a secure patient record. Alternatively, you may supply further information separately through agreed secure channels, if necessary to validate your invoice(s) for payment.

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 are liable to be rejected by SBS or by invoice validation staff acting on behalf of the CCG, and payment may be blocked or delayed if the invoices you submit are not compliant with this legal requirement, until the PCD information can be removed or the invoice resubmitted. 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.

If personal confidential data is leaked in this way and misused to the detriment of the individual, your organisation may also be held liable for any consequential harm or distress to the patient concerned.

* Please do not quote patient names, or National Insurance or NHS numbers in invoices or supporting documents, as these are personal and confidential
* Use a suitable Pseudonym if available/appropriate, such as a confidential case reference or database index number agreed with the CCG, to enable invoices to be readily checked locally against eligibility criteria for approval and payment.
* Schedules, timesheets or other correspondence to be sent in support of Invoices 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.

I do acknowledge that your organisation may already be fully compliant, but I ask you to check this with your invoice team once more.

Yours faithfully