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Correspondence

# Notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002

Published 1 November 2022

## Applies to England

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To:

General practices in England whose IT systems are supplied by The Phoenix Partnership (TPP) or Egton Medical Information Systems (EMIS)  
NHS England

26 October 2022

As we move away from the initial response to COVID-19 the health and social care system will need to continue to take action to manage and mitigate the spread and impact of the outbreak. This includes ensuring that approved researchers can continue to securely access pseudonymised data held by GP IT systems to assist the health and care service's response to COVID-19 by, for example:

- recognising trends in COVID-19 diseases and identifying risks it poses
- controlling and preventing the spread of COVID-19
- monitoring and managing outbreaks

I am, therefore, giving notice, under Regulation 3(4) of COPI, to:

1. NHS England
2. GP practices in England, whose IT systems are supplied by The Phoenix Partnership (TPP) or Egton Medical Information Systems (EMIS)

To process data for purposes set out in regulation 3(1) of the Health Service (Control of Patient Information) Regulations 2002 (the COPI Regulations).

## **Requirement to process confidential patient information**

I hereby provide recipients with notice under Regulation 3(4) that I require you to process confidential patient information, including disseminating to a person or organisation permitted to process confidential patient information under Regulation 3(3) of the COPI Regulations for the purposes set out in Regulation 3(1) of the COPI Regulations to support the Secretary of State's response to COVID-19 (COVID-19 purpose).

Organisations are only required to process such confidential patient information:

- where the confidential patient information to be processed is required for a COVID-19 purpose and will be processed solely for that COVID-19 purpose in accordance with Regulation 7 of COPI
- from the date of this notice until 30 April 2023 (which includes a case where the dissemination of the information in question was authorised by a previous regulation 3(4) notice and began before the date of this notice, but which continues on or after that date)

## Compliance with notice

Parties subject to this notice will demonstrate effective compliance by carrying out the required processing using the OpenSAFELY platform.

## COVID-19 purpose

A COVID-19 purpose includes but is not limited to the following:

- understanding COVID-19 and risks to public health, trends in COVID-19 and such risks, and controlling and preventing the spread of COVID-19 and such risks
- processing to support the NHS Test and Trace programme
- identifying and understanding information about patients or potential patients with or at risk of COVID-19, information about incidents of patient exposure to COVID-19 and the management of patients with or at risk of COVID-19 including: locating, contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from COVID-19
- understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of COVID-19 and the availability and capacity of those services or that care
- monitoring and managing the response to COVID-19 by health and social care bodies and the government including:

- providing information to the public about COVID-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within the health services and adult social care services
- delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with COVID-19, including the provision of information, fit notes and the provision of healthcare and adult social care services
- research and planning in relation to COVID-19

## Recording of processing

A record should be kept of all data processed under this notice.

## Expiry of this notice

If no further notice is sent to you by me, this notice will expire on 30 April 2023.

Yours sincerely,

Louise Greenrod, Deputy Director – Data Policy  
Department of Health and Social Care, NHS Transformation Directorate

On behalf of the Secretary of State for Health and Social Care

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