



Belfast Health and Social Care Trust

Chief Executive
Dr Michael McBride

Chairman
Mr Peter McNaney, CBE

6 August 2014

Ms Marie Austin
Senior Assistant Clerk
Committee for Health, Social Services and Public Safety
Northern Ireland Assembly
Room B32 Parliament Buildings
Ballymiscaw
Stormont
BELFAST
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Dear Ms Austin

Thank you for the opportunity to respond to The Health & Social Care (Control of Data Processing) Bill.

I note that the Hansard report is comprehensive and informative. Many of the issues and concerns that the Trust would have raised have been debated in detail and this has provided some of the logic and reasoning for the choice of words used in the legislation. In particular some of the definitional clarity around “public interest” and the ambiguity that can occur.

The debate also seemed to indicate the need for better clarity around where the balance between public interest and confidentiality lies.

In terms of responses from the Trust the following comments have been made:-

1. Control of Information of a relevant person

1 (1) refers to the ‘processing of prescribed information of a relevant person for medical or social care purposes as it considers necessary or expedient’. Difficulties have arisen in the past where the risk of sharing data for beneficial purposes has been refused as the public interest test is open to interpretation and therefore potentially legal challenge. The Trust would wish to ensure that the Bill adequately covers some of the sharing and processing of information that currently exists and potentially projects which would have relied on the public interest test. The sharing of personal identifiable data with organisations such as the NI Cancer Registry has been of concern because of the ambiguity within the “public interest” test.

1 (12) the Bill introduces the term "confidential information" and uses a definition similar to that of personal data within the Data Protection Act, the aligning of definitions would assist with the understanding of this legislation as the Data Protection Act (DPA) has a good understanding with in the HSC. It is noted that medical purposes uses an extended form of words as defined in the DPA.

1(5) reference to 'regard to the cost of and the technology available of achieving that purpose' - does this mean that the issue of cost and technology will form part of the basis for requesting information via this legislation? Perhaps clarity is required in this section.

2. Establishment of committee to authorise processing of confidential information

The establishment of a scrutinising committee – the bill says this "may" happen. Given that all the supplementary information highlights the need for robust checks and balances and the nature of the debates recorded in Hansard, it would appear that an overseeing Committee is a mandatory requirement to provide assurances re the safeguarding of individuals' medical and social health information. It is queried why the language is not stronger in this regard.

3. Code of Practice

The Trust welcomes that the Department 'must prepare a Code of Practice' on the processing of information and the setting of a time frame for reviewing this.

4. Regulations

No comments

5. Interpretation

No comments

6. Short title and commencement

No comments

I look forward to the next stage of this Bill.

Yours sincerely



Mr Shane Devlin
on behalf of Dr Michael McBride
Chief Executive