

**Request from Committee of Health, Social Services & Public Safety for
Comments/Views on the Health & Social Care (Control of Data Processing) Bill**

Response:

Control of information of a relevant person

1. *A relevant person for medical or social care purposes as it considers necessary*

Comment - Should this read health or social care purposes as it considers necessary?

(10) For the purposes of this Act, “information” means

(b) information (however recorded) which relates to the social well-being of an individual or to the care of, or assistance to an individual , and

Comment - Is the introduction of the term social well-being confusing? Could reference be inserted to definition supplied under (11) (b)?

(11) For the purposes of this Act, “ a relevant person” means an individual who is a recipient of

(a) services designed to secure improvement –

(1) in the physical or mental health of a person in Northern Ireland , or

(ii) in the prevention, diagnosis or treatment of illness or

(b) services designed to secure improvement in social well-being of people in Northern Ireland,

Comment - could this be simplified to read

Services designed to secure improvement

(a) Health

(1) in the physical and/or mental health of people in Northern Ireland

(2) medical purposes as defined in subsection (13) (a)

(b) Social Care purposes

(1) Services designed to secure improvement in social well-being of people in Northern Ireland as defined in subsection (14).

Establishment of committee to authorise processing of confidential information

2 (1) For the purposes of subsection (2) , the Department may be regulations establish a committee

Comment – the establishment of the committee is a fundamental element of this regulation therefore “*may*” ought to be replaced with will.

Code of Practice

3 (1) The Department must, as soon as reasonably practicable, prepare and publish a Code of Practice...

Comment – Include in reference to this Regulation

*(6) In this section
“health care” has a meaning*

Comment – could this section be inserted earlier in the Regulation?

General Comments

I am unable to comment on the legal aspects of this regulation but I have included comments on content as requested.

Comments previously submitted on proposal to introduce primary legislation for the use of health and social care service user identifiable information for secondary purposes in controlled circumstances to the DHSSPS as part of its consultation process on 10 October 2014.

Need for consistency in the Regulation of terms used specifically around definition of social care/social well-being and health/medical

Need a definition of public interest under Section 5

This is a very necessary Regulation to assist HSC staff in dealing with the sharing of information.

Thank you for the opportunity to review and comment on this issue.

Lynda McAree
Head of Information Governance & Directorate Support