**Additional information for general practitioners**

1. **Why are you making this change?**

The national data opt-out gives people a clear choice about how their confidential patient information is used for purposes beyond their individual care. A patient will be able to state their preference once and be confident this will be upheld by all health and care organisations (expected to be complete by 2020).

It puts the patient in control of their data choices, and through an online and telephone option, enables patients to change their mind at any time.  
  
This change is the result of an independent review of patient preferences, which was conducted by Dame Fiona Caldicott and which recommended the introduction of a simple data opt-out. It has been put into policy by the Department of Health and Social Care.

1. **What is a type 2 objection and how is it recorded?**

The type 2 objection tells NHS Digital not to share a patient’s confidential information for purposes beyond their individual care. It is recorded in the GP patient record, using the following code:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Read v2 | CTv3 | SNOMED CT | Rubric |
| Set Type 2 | 9Nu4. | XaaVL | 881561000000100 | *‘Dissent from disclosure of personal confidential data by Health and Social Care Information Centre’* |

1. **What is the national data opt-out?**

The national data opt-out will allow patients to choose to stop their confidential patient information from being used for purposes beyond their individual care. The opt-out will be applied by NHS Digital from 25 May 2018 and by 2020 all health and care organisations must apply national data opt-outs in line with the policy. For more information about the national data opt-out including why it is being introduced see: <https://digital.nhs.uk/national-data-opt-out>.

1. **How will GPs record a national data opt-out?**

The national data opt-out will not be set by GPs or through GP systems. Individuals will be able to register an opt-out online and via the telephone number that will be included on the materials you will receive.

1. **How do I know if my patients have had their type 2 objection changed to the national data opt-out?**

All practices that have participated in the GPES collection of type 2 objections can be assured that their patients’ objections will be automatically changed to the new opt-out on 25 May 2018.

If your practice has never participated in the GPES Patient Objections Management (POM) data extract, then your patients’ type 2 objections will never have been received by NHS Digital, so they cannot be converted.

There is still time for you to agree to participate in the POM data extract.

1. **How do I know if my practice has participated in the GPES collection of type 2 objections?**

Open the Calculating Quality Reporting Service (CQRS) system and select the Participation Management Tab. From the Quality Service Status drop down box choose the Approved option, you will then see a list of all services approved for your practice. As the POM data extract has been available in CQRS since 2015/16, you may have to adjust the financial year via the drop-down box to check your participation.

1. **Why will type 2 codes still be available in GP systems on 25 May 2018?**

Read v2/CTv3 codes are now ‘legacy’ terminologies and being replaced by the SNOMED clinical terminology standard from 1 April 2018. As part of this process all existing Read v2/CTv3 codes have been mapped to an equivalent SNOMED CT code so GP practices will continue to be able to set type 2 objections after the SNOMED CT go-live date.

It has not been possible to remove the codes from selection in time for 25 May 2018. The intention is to withdraw the type 2 codes in October 2018, as part of the next planned SNOMED CT code release.

1. **What does withdrawal of the type 2 code mean?**

SNOMED CT allows for codes to be removed from selection while still preserving the original code in the patient’s electronic record, so it will still be possible to see type 2 objection codes that have previously been recorded in the patients record.

1. **What happens if a type 2 code is recorded on 25 May 2018 or later?**

Type 2 codes should not be used after 24 May 2018 and it is important to ensure that processes such as new patient registrations and data entry templates are updated to prevent this from happening.

There will be a transitional period through to the last GPES collection at the beginning of October 2018 where type 2 objections recorded on or after 25 May 2018 will continue to be collected and converted to national data opt-outs. Registering a type 2 objection code after this last GPES collection in October 2018 will mean the patient will **not** have a national data opt-out automatically put in place.

Where type 2 codes are converted in this period we will inform those practices that have set type 2 objections and we will write out to those patients affected to inform them of the change to the national data opt-out.

1. **How long will this transitional period last?**

The transitional period will end with the last POM GPES collection at the beginning of October 2018.

1. **What else do I need to do to be ready for the national data opt-out being implemented in May 2018?**

The Royal College of General Practitioners are also developing materials to support GPs, nurses and practice staff to understand more about the wider uses of data and the national data opt-out. We have also developed a checklist of actions to consider in preparation for the introduction of the national data opt-out. These materials will be available at: <https://digital.nhs.uk/national-data-opt-out>.

1. **When will communication materials be made available?**

Electronic copies of the communication materials will be available from 25 May 2018 at: <https://digital.nhs.uk/national-data-opt-out>, also check this website for updates on the schedule of when printed patient materials will be delivered to GP practices.

1. **What about other patient opt-outs and objections?**

Any other types of opt-out or objections that are held in the patient’s electronic record will still apply and it is for your practice as the data controller to ensure these are applied where relevant.

1. **What happens to type 1 objections?**

The type 1 objection is intended to prevent the sharing of a patient’s personal confidential information held by the GP practice for purposes beyond the patient’s individual care and is recorded using the following code:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Read v2 | CTv3 | SNOMED CT | Rubric |
| Set Type 1 | 9Nu0. | XaZ89 | 827241000000103 | *‘Dissent from secondary use of GP patient identifiable data’* |

As part of the review that identified a national data opt-out should be introduced, type 1 objections were considered, and it was agreed that they should continue to be respected until March 2020 when the Department of Health and Social Care will consult with the National Data Guardian on their removal.

**General Data Protection Regulation / New Data Protection Legislation**

1. **How does this fit with General Data Protection Regulation and new data protection legislation?**

The national data opt-out is being introduced at the same time as new data protection legislation is coming into force as part of the EU General Data Protection Regulation (GDPR). The national data opt-out is Government policy that sits alongside and is not replaced or changed by GDPR and the Data Protection Act and is in addition to the data subject rights required by law.

1. **Why introduce the national data opt-out at the same time as GDPR/new data protection legislation?**

The new data protection legislation strengthens the requirements on data controllers to provide clear and concise information to patients about what data is collected and how it is processed by creating a legal duty of transparency as part of the requirement for fair and lawful processing of data. The national data opt-out supports this enhanced duty of transparency by providing access to materials and information that will help your practice to explain to patients how their data is used across the health and care system and that they have a choice about how their confidential patient information is used for research and planning purposes.

1. **Where can I find more information on GDPR/new data protection legislation?**

Further information and guidance about GDPR for health and care organisations is provided by the Information Governance Alliance (IGA) and the Information Commissioner’s Office (ICO).

<https://digital.nhs.uk/information-governance-alliance/General-Data-Protection-Regulation-guidance>

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>