



Vale of York
Clinical Commissioning Group

Your Ref: VOY 1278

28 January 2021

NHS Vale of York CCG
West Offices
Station Rise
York
YO1 6GA
Telephone: (01904) 555870

E-mail: VoYCCG.FOI@nhs.net
Website: www.valeofyorkccg.nhs.uk

Dear Sirs

Your Request for Information

I am writing in response to your recent request that we received on 17 December 2020 in which you requested the following information under the Freedom of Information Act 2000.

Information Requested

My question concerns requests for an audit trail of who has accessed a patients computerised medical records but not necessarily made an entry.

Patient can easily obtain a print out of their medical records but this will not show a record of people who have viewed them but not written in them.

It is my understanding from the Caldicott 2 report, "To Share or not to Share – the Clinical Governance Review

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192572/2900774_InfoGovernance_accv2.pdf

And the UK Gov response to this report: "Information: to Share or not to Share. UK Governments response to the Caldicott Review"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/251750/9731-2901141-TSO-Caldicott-Government_Response_ACCESSIBLE.PDF

That if a patient, or the relative of a deceased patient, of an NHS hospital and/or GP, requests an audit trail then one will be provided unless there are medical reason why this might not be in the patients best interests.

I am looking for confirmation of this practice and where that is stated as a policy of the NHS that a patient can refer to if they meet with a reluctance to supply this information.

Response

Thank you for the request. Our understanding is that you are seeking clarity on how staff access to clinical systems and records is monitored; specifically whether or not if your clinical records were accessed you would be able to get information on who they were accessed by, when and for what reason.

I apologise for the delay in responding to you about this however this has taken some time to investigate. In terms of the protection of clinical and personal information there are many policies, pieces of guidance and legislation which apply to those working in the NHS and how organisations manage data and information. The specific issue you raise is not subject to its own policy.

I am able to provide you with information about how the CCG monitors staff access to clinical records only and this may vary in other organisations. Staff are reminded by their supervisors regularly of when it is appropriate to access information and are required to complete annual Data security training which is mandated NHS training. Staff have individual login details to access clinical systems and therefore the records that are access can be tracked. Routine audits of what staff are accessing is not done however if there was a concern raised about inappropriate access to records this would be reviewed by a clinical manager and the staff member would be asked to explain the reason for the access. This would form the basis for an investigation using HR processes and for that reason it may not be possible to advise the patient initially who had accessed the record. That said, where there has been a breach of any regulations or legislation; this would be reported to the Information Commissioner and part of the investigation would include notifying those affected that their data has been accessed inappropriately and how this is being managed by the organisation.

The information we have provided to you is copyrighted to NHS Vale of York CCG and provided to you free of charge for your personal use or for other specific uses permitted in the Copyright Act. If however you wish to use the information we have provided for any commercial purposes including the sale of the information to a third party then, under the Regulations on the Re-use of Public Sector Information Regulations 2005, you must ask us for permission to do so in respect of each specific piece of such information. If we do grant such permission this may involve a licensing arrangement which may attract a fee. Should you wish to apply for permission for commercial re-use under the Regulations you should write to the Freedom of Information Manager to the address above.

If you have any concerns about the way your request has been handled; the operation of the Publication Schemes, the response received, or the 'exemption' decision, you should, in the first instance, contact me to try to resolve them. If you are not happy with the outcome, you can write to our Accountable Officer at the address above, within 40 days from the date of our response, to make a request for an internal review.

If you are not satisfied with the outcome of the internal review, you can then write to the Information Commissioner:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Helpline telephone: 01625 545 745

Please do not hesitate to contact me should you need any further assistance. You can find out more information about our Clinical Commissioning Group by visiting our website www.valeofyorkccg.nhs.uk

Yours sincerely

Freedom of Information Team
NHS Vale of York Clinical Commissioning Group