

10 November 2022

Dear

ATISN 16840 – Sharing of Medical Records

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 7 November 2022. We have interpreted your request as follows:

You wish to know:

- 1. What extent your personal information is being shared beyond your GP practice.*
- 2. Where it is that it is being shared, including*
 - a. what elements of my record are available at Hospitals, Pharmacies and other bodies.*
 - b. Beyond my Name, Address and Date of Birth what else is being shared?
is it just current medication?
is it just current active “conditions” / illnesses?
is it the full contents of my medical records?*
- 3. When was such a decision made and when the general public were informed of this decision?*
- 4. Why is the opt out that was originally advertised in Wales, no longer available for your data?*
- 5. When the law was changed in Wales to allow such sharing (without my express consent), to such parties?*

Our Response

The Welsh Government does not hold the information you are requesting.

Data that identifies individuals (personal data) must be processed (which includes collecting, storing and sharing data) in line with the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA). In addition, the Common Law Duty of Confidentiality applies to information provided in circumstances that create a duty of confidence, such as information a patient discloses to their GP. There has been no change in the law in Wales and the sharing of personal and confidential data without explicit consent for the purposes of providing care and treatment is permitted under the UKGDPR, the DPA and the common law. Welsh Government expects providers of health and care, including GPs, in Wales who process confidential and personal data to ensure they comply with the relevant legislation and common law, which applies to England and Wales.

Patients who do not wish their data to be shared outside of their GP practice should speak to their registered practice to discuss the options and implications. In England, patients are offered a level of ‘opt out’ of data being used for purposes other than their care and treatment but this is a policy decision, not a legal requirement. Wales has not adopted that policy.

Information relating to the sharing of details held on your medical records may be available from your health board, and you may wish to contact them on this matter. I have added a link below in provides contact point for health board:

<https://www.wales.nhs.uk/nhswalesaboutus/freedomofinformation/makingfreedomofinformationrequests>

Next Steps

The request you sent me contains personal information about you - for example, your name and address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response.

We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
Email: DataProtectionOfficer@gov.wales

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:
Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process

Yours sincerely,