

# DATA PROTECTION OFFICE NEWS

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## Contact Details

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## DPO Newsletter 41

### Access to patient records via NHS App

As you will be aware, practices were given the opportunity to postpone patients being given access to their prospective health data via the NHS App, by contacting EMIS/ TPP and instructing them not to make the relevant changes to the clinical system. For all other practices, access could be enabled from November 4th, 2022, unless GP Data Controllers chose to add the “104 code” to patients’ records.

NHSE have advised that patient access to prospective health data will be made available for all practices by November 30th 2022. The BMA however are continuing talks with NHSE to establish whether they can in fact dictate such changes en masse, when the GP practices remain the Data Controller and as outlined in the Data Protection legislation “determine the means of and purposes for any data processing.”

The most up-to date guidance from the BMA can be read here:

[bma-accelerated-access-to-gp-25-oct-2022.pdf](#)

For those practices who have delayed the implementation of this programme, you may wish to continue adding the 104 code: **1364731000000104** “*Enhanced review indicated before granting own access to health record*”

The follow up codes are

- 1290301000000109 - Online access to own health record withheld following enhanced health record review (finding)
- 1290311000000106 - Online access to own health record granted following enhanced health record review (finding)

- 1290331000000103 - Online access to own health record declined by patient (situation)

### **COPI Notice extended**

Please be aware that the COPI Notice (Notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002) has been further extended until 30th April 2023. As I'm sure you know, the COPI Notice provides a temporary legal basis and mandates the sharing and processing of patient data with a Covid-19 purpose.

[Notice under Regulation 3\(4\) of the Health Service \(Control of Patient Information\) Regulations 2002 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/notice-under-regulation-34-of-the-health-service-control-of-patient-information-regulations-2002)

### **Cyber attack**

We have been made aware that Bredbury Medical Centre in Stockport have been hacked. At this stage we do not know the details, however we are aware that their main e-mail distribution list has been compromised. Therefore, if you receive an e-mail from Bredbury Medical Centre please delete immediately and do not open any associated links or attachments.

If you require any further information about the above, or any other Data Protection issues, please do not hesitate to contact me at [jane.hilldpo@nhs.net](mailto:jane.hilldpo@nhs.net) or [westpennine.lmc@nhs.net](mailto:westpennine.lmc@nhs.net) or mobile 07951 530 417.