

[REDACTED]

From: [REDACTED]
Sent: 20 December 2021 15:50
To: FOI BSO
Subject: FOI Request

Follow Up Flag: Follow up
Flag Status: Flagged

This is a Freedom of Information Request.

According to the Privacy Advisory Committee NI's minutes of their 21st January 2021 meeting:

"The Chair of the NIECR Steering Group had written to each individual who had expressed their wish to opt-out, to inform them of the implications of this decision on their care and the impact of Clinicians being unable to view their records."

[REDACTED] the Chair of the PAC NI recently [REDACTED] indicated that the above refers to a letter that BSO apparently sent out some time in Autumn 2020.

[REDACTED]

In this FOI Request I am requesting that a copy of the BSO letter mentioned by PAC be provided [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 31 January 2022 10:30
To: [REDACTED]
Cc: DPO BSO
Subject: FOI Enquiry

[REDACTED]

I have been asked to respond to your FOI request dated 20 December.

[REDACTED]

We did not write in the way you have described to each individual who had expressed a wish for their NIECR to remain locked.

What we did do was to contact everybody directly, often, [REDACTED] by email and telephone. For some of the individuals involved this was followed up by a letter from the former Chair of the NIECR Information Governance Group. This was done in particular when there was felt to be an aspect of the individual's circumstances where further explanation was necessary, for example if there was a clear potential implication for care provision..

[REDACTED]

It was felt that this was consistent with the view that each objection should be considered on its own merits. In taking this approach we also felt that we continued to be lawfully processing information under Article 6 (1)(e) and Article 9 (2)(h) (Schedule 2 Paragraph 5 (b) and Schedule 3 paragraph 7 (1)(b)) of the previous legislation).

[Redacted]

I hope that this has explained the situation.

[Redacted]

[Redacted]

ITS, Business Services Organisation
Health and Social Care Northern Ireland

[Redacted]

🔗 [www: https://hscbusiness.hscni.net/services/ehealth.htm](https://hscbusiness.hscni.net/services/ehealth.htm)

eHealth: NI Electronic Care Record | Patient Portal | Health & Care | Electronic Document Transfer | RISOH

11th April 2022

BY EMAIL

Our Ref: FOI 1623

Dear 

We are writing to you in response to your request for a review of the above referenced Freedom of Information request, which review request was received by the Business Services Organisation on 14th March 2022.

We can advise that a review panel was convened on 22nd March 2022 to review this matter. This panel consisted of Ms Julie Erskine (Chair, BSO) and Ms June Turkington (Assistant Chief Legal Adviser, BSO).

The review panel reviewed your original Freedom of Information request, the BSO's formal response to it, as well as the points raised within your request for a review panel to be convened.

The review panel recognised that there were two matters that required clarification:

1. Whether there was a generic letter issued to any individuals who had registered concern and had asked to "opt out"
2. The accuracy of the Privacy Advisory Committee (P.A.C) NI's minutes of their 21st January 2021 meeting.

In relation to the first point, the Panel were advised that the PAC meeting minutes stated:

"The Chair of the NIECR Steering Group had written to each individual who had expressed their wish to opt-out, to inform them of the implications of this decision on their care and the impact of Clinicians being unable to view their records."



The review panel were informed that, whilst each individual had been directly contacted, not everyone had been written to. The review panel was also informed that there was no generic letter issued to the relevant individuals. Rather, the responses were tailored to the specific circumstances of each individual, with some contact being verbal as opposed to written.

Therefore, BSO is not in a position to provide you with a generic letter as no such letter exists.

In relation to the second point above, the review panel considers that the original minutes of the P.A.C meeting did not accurately reflect the review panel's understanding of what had occurred.

The review panel have therefore asked that this is drawn to the attention of the Chair of the P.A.C Working Group to avoid any further mis-understanding.

The review panel hope that the outcome of this review panel has been of assistance to you.

If, however, following this internal review, carried out by an independent decision making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: icocasework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,



Ms Julie Erskine
BSO Chair



Ms June Turkington
Director of Legal Services, BSO