National Asthma and COPD Audit Programme (NACAP)

Adult Asthma Audit - Fair Processing Information/Privacy Policy

Version 4: June 2020

The Healthcare Quality Improvement Partnership (HQIP) are the data controllers for all data collected and reported on by the NACAP adult asthma audit. All data collected by the audit programme is processed to ensure patient confidentiality is maintained. Data processors include:

- **Crown Informatics** – who provide the audit web-tool and data management services.
- **Imperial College London** – who provide statistical data analysis services.
- **Royal College of Physicians** – who run the audit and produce national and local reporting outputs.

**Approvals and legal basis**

**Common Law Duty of Confidentiality**

This audit has been granted Section 251 approval for England and Wales by the NHS Health Research Authority (CAG reference: CAG 8-06(b)/2013) and Public Benefit and Privacy Panel approval for Scotland (reference number: 1718-0134), meaning that we are allowed to collect patient-identifiable data without patient consent. The adult asthma audit collects the following patient identifiable items:

- NHS/CHI number,
- date of birth, and
- home postcode.

It also collects data of death which is now a civil registration data item and is no longer classified as patient identifiable as an individual data item.

More information about the audit data flows (also outlined below) and the full dataset is available via the [audit resources](#) page. Patient information sheets and posters are also available via this link.

**General Data Protection Regulations (GDPR)**

The adult asthma audit’s legal basis under GDPR is:

- **Article 6 (1) (e)** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. This is justified through commissioning arrangements which link back to NHS England, Welsh Government and other national bodies with statutory responsibilities to improve quality of health care services.

- **Article 9 (2) (i)** processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the
rights and freedoms of the data subject, in particular professional secrecy. This is justified as the adult asthma audit aims to drive improvements in the quality and safety of care and to improve outcomes for asthma patients.

Main data flows
From 1 November 2018, identifiable patient data will be entered into an online data collection tool managed by Crown Informatics. This data will be entered by selected and authorised hospital users at local sites in England, Scotland and Wales. Periodically, these data are sent to Imperial College London by Crown Informatics in a completely anonymised, patient level format for analysis. Imperial College London then sends analysed and aggregated data to the NACAP team at the Royal College of Physicians so that we can write and publish national and local reports. Only aggregate data will be presented, and no information will be released that could be used to identify individuals.

Linkage

England and Wales
The audit information will be linked with data already held by NHS Digital and NHS Wales Informatics Service (NWIS): namely, the Hospital Episodes Statistics (HES) and Patient Episode Database for Wales (PEDW) datasets and the Office of National Statistics (ONS) mortality data. HES is a record of all hospital admissions in England, PEDW records all episodes of inpatient and day-case activity in NHS Wales hospitals, while ONS mortality data is sourced from civil registration data. NHS Digital and NWIS will receive patient identifiable information (NHS number, date of birth and postcode) from Crown Informatics to link the audit data to these sources.

Scotland
The audit information will also be linked with data already held by electronic Data Research and Innovation Service (eDris): namely, the SMR01 Inpatients and Day Cases and Death Registration datasets. eDris will receive patient identifiable information (NHS/CHI number, date of birth and postcode) from Crown Informatics to link the audit data to these sources.

All nations (England, Scotland and Wales)
Once the data has been linked, NHS Digital, NHS Wales and eDris will remove all patient identifiable information, leaving only the unique audit identifier. Imperial College London will then be sent the pseudonymised patient level record files for the patients that participated in the audit from eDris, HES, PEDW and ONS (cause of death, and date of death will be provided to Imperial College London from ONS mortality data). Imperial will then send analysed and aggregated data to the NACAP team at the Royal College of Physicians so that we can write and publish a supplement to the national clinical reports. Only aggregate data will be presented and no information will be released that could be used to identify individuals.
Third party data requests
Third party organisations may also request to use data for research, audit and service evaluation purposes. The main use of data will always be to improve care and services for people with asthma. NACAP will not share any of this data unless the appropriate legal, ethical and security arrangements are in place to keep it safe and secure.

Data retention
Data will be retained by NACAP over the period that the audit continues to operate. This will allow post-audit queries to be answered, outstanding longitudinal analyses to be completed and for third party data requests to be approved and completed. In addition, the Information Governance Alliance (IGA)’s Records Management Code of Practice for Health and Social Care 2016 specifies that clinical audit records must be kept securely for a minimum period of 5 years after the audit has been completed and if the NACAP closes in the future, this requirement will be considered by NHS England and the Welsh Government and appropriate arrangements made as required.

Saying ‘no thank you’
National clinical audit works best when it includes information about as many patients as possible. However, if a patient does not want their information to be included they are advised to speak to a member of their clinical team. Saying this will not affect the care or treatment they receive in any way. The clinical team will ensure that the patient’s information is not included in the audit.

If a patient thinks their information has been submitted to the audit and they would prefer to have it removed, they should contact the hospital that treated them or the audit team. In England, patients who have chosen to opt-out of their confidential data being used for purposes other than their own care and treatment (National Data Opt-out Programme) will not be included in this audit. Scotland and Wales do not operate a national opt-out programme but patients are still able to object to being included in individual audits, such as this one, under GDPR.

Right to complain to a supervisory body
If a patient thinks that their information is being used inappropriately, they have the right to complain to the Information Commissioners Office (ICO).

If you have any queries regarding the processing of data as part of this audit, please contact the audit team at asthma@rcplondon.ac.uk.