

## **Fewer Than 5 Items**

Please be aware that I have decided not to release the dispenser details where the total number items falls below five. This is because patients could be identified, when combined with other information that may be in the public domain or reasonably available.

This information falls under the exemption in section 40 subsections 2 and 3 (a) of the Freedom of Information Act. This is because it would breach the first data protection principle as:

- a) it is not fair to disclose patients personal details to the world and is likely to cause damage or distress.
- b) these details are not of sufficient interest to the public to warrant an intrusion into the privacy of the patients.

CCG information has been supplied for those drugs.

Annex A below sets out this exemption in full.

A copy of the information is attached. For drugs with 5 or more items dispensed, the dispenser details have been provided.

NHSBSA Prescription Services process prescriptions for Pharmacy Contractors, Appliance Contractors, Dispensing Doctors and Personal Administration with information then used to make payments to pharmacists and appliance contractors in England for prescriptions dispensed in primary care settings (other arrangements are in place for making payments to Dispensing Doctors and Personal Administration). This involves processing over 1 billion prescription items and payments totalling over £9 billion each year. The information gathered from this process is then used to provide information on costs and trends in prescribing in England and Wales to over 25,000 registered NHS and Department of Health users.

The data source was the NHSBSA Information Services Data Warehouse.

The time period covered was:

Part 1 dispensing months of February 2017 to December 2017

Part 2 dispensing months of April 2016 2017 to December 2017

Items shows the number of times a product appears on a prescription form not the quantity prescribed.

Net Ingredient cost (NIC) is the basic price of a drug as stated in Part II Clause 8 of the Drug Tariff but please note that where a price concession for items listed in Part VIIIA of the Drug Tariff has been agreed between the Department of Health and the Pharmaceutical Services Negotiating Committee the NIC will reflect the concession price rather than the Drug Tariff price.

Quantity normally shows the quantity of a product prescribed. However, where a product is packed in a 'special container'(see Drug Tariff Part II Clause 10) the pharmacist is not required to split the pack and may supply the number of containers or original packs which provide the quantity nearest to that prescribed. In some

circumstances these items show quantity as the number of units supplied ie 1 or 2 even though a pack may contain 56 tablets.

Prescriptions issued, but not presented for dispensing or not submitted to NHS Prescription Services by the dispenser, are not included in the data provided.

Specials are unlicensed medicinal products which have been specially prepared to meet a prescription ordered for individual patients without the need for the manufacturer to hold a marketing authorisation for the medicinal product concerned.

Part 1 provides data on non-Drug Tariff Special Order Products

Part 2 provides data on Special Order Products listed in Part VIII B of the Drug tariff

The Drug Tariff can be viewed at <https://www.nhsbsa.nhs.uk/pharmacies-gp-practices-and-appliance-contractors/drug-tariff>

Some special order items may be "imported" but are listed as Special Order Products as NHS Prescription Services do not hold an indicator for "imported" items on our internal systems.

The data includes only items prescribed in GP Practices in England and dispensed in England.

The data excludes items:

not dispensed, disallowed and those returned for further clarification,  
prescribed and dispensed in prisons, hospitals and private prescriptions  
items prescribed but not presented for dispensing or not submitted to NHS Prescription Services by the dispenser.

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## **Annex A**

## **Section 40 - Personal information**

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if -

- a. it constitutes personal data which do not fall within subsection (1), and
- b. either the first or the second condition below is satisfied.

(3) The first condition is -

- a. in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene -
  - i. any of the data protection principles, or
  - ii. section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- b. in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny -

- a. does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
- b. does not arise in relation to other information if or to the extent that either -
  - i. the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
  - ii. by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th

October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section -

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

### **Data Protection Act 1998 Schedule 1 First Principle**

- (1) Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless-
  - (a) at least one of the conditions in [Schedule 2](#) is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.