

## **Conditions of Patients, Consultations**

As advised in my e-mail of 9 March 2018, I have established that the information you requested is not held by the NHS Business Services Authority. The NHSBSA does not receive or record information from GP practices about appointments/consultations.

The reason any particular item is prescribed is not included on a prescription and is therefore not captured by the NHSBSA.

## **Dates of Birth**

Please be aware that I have decided not to release dates of birth of patients as 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 these people's personal details to the world and is likely to cause damage or distress to patients.
- b) These details are not of sufficient interest to the public to warrant an intrusion into the privacy of those patients

Annex A at the end of this letter sets out the exemption in full.

## **Prescribing Broken down by age Groups 1-3 and 4-5**

A copy of the information is attached.

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.

Data in ePACT2 is sourced from the NHSBSA Information Services Data Warehouse and is derived from products prescribed on NHS prescriptions and dispensed in the Community. The data captured from prescription processing is used to calculate reimbursement and remuneration and includes prescription items which were prescribed in England and dispensed in the community in England as well as items prescribed in England and dispensed in Wales, Scotland, Northern Ireland, Guernsey, Jersey, Alderney and the Isle of Man

The Data excludes:

- Items not dispensed, disallowed and those returned to the contractor for further clarification.

- Prescriptions 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

The data provided is based on England Hospital Trust prescribing only and may include items prescribed in England but dispensed in Wales, Scotland, Northern Ireland, Guernsey, Jersey, Alderney and the Isle of Man

The BNF Code is a 15 digit code in which the first seven digits are allocated according to the categories in the BNF and the last 8 digits represent the medicinal product, form, strength and the link to the generic equivalent product. The NHS Prescription Services has created pseudo BNF chapters, which are not published, for items not included in BNF chapters 1 to 15. The majority of such items are dressings and appliances, which the NHS Prescription Services has classified into four pseudo BNF chapters (20 to 23).

Items shows the number of times a product appears on a prescription form not the quantity prescribed. This has been broken down as requested in age bands 1 – 3 years and 4 – 5 years.

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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.