



Broken records:

The worrying lack of security around your medical history, and how it is changing for the worse

A Big Brother Watch report

March 2010

Contents

Key findings	3
Executive Summary	4
The current state of medical records in the UK.....	5
Security breaches in the UK	7
The NHS Spine.....	8
The Conservative Party's Proposal.....	10
What next?	11
Methodology	12
Guide to the Appendices	13
Appendix 1: Top 10 Trusts with highest number of non-medical staff with access to medical records.....	14
Appendix 2: Full list of NHS Trusts (A-Z)	14
Appendix 3: Trusts who failed to answer	19
Appendix 4: Example response	21
Appendix 5: FOI Request.....	22
About Big Brother Watch.....	23

For media enquiries relating to this report and you would like to contact Big Brother Watch, including outside office hours, please call +44 (0) 7505 448925 (24hrs).

You can also email press@bigbrotherwatch.org.uk for written enquiries.

Key findings

- There are **at least 101,272 non-medical personnel** working in NHS Acute Trusts in Britain that have access to confidential medical records. **On average, 723 staff not involved in patient care in each Trust** have access to medical records.
- Just over a quarter of NHS Trusts failed to answer our request, which demonstrates the **slack security and monitoring around those with access** to patient medical histories. The final figure could be much higher and **could be as high as 140,000 personnel nationwide**, extrapolating the average to cover the country as a whole.
- From the responses received, in certain NHS Trusts **access to confidential medical records is provided to hospital porters, IT staff and those working in the finance department**.
- **The NHS is in direct contravention of the European Court of Human Rights**, whose 2008 judgement 'I v. Finland' established a legal duty to restrict medical records only to those directly involved in personal care.

Executive Summary

At present, patient records are scattered across databases in various paper, computerised and online formats, which differ within and between NHS Trusts. Access to this confidential data is largely unregulated and fluctuates depending on staff turnover, access to the computer network and changing security clearance. There is a general lack of security around medical records which has, in the past decade, resulted in regular cases of abuse and security breaches. In June last year it was reported that the NHS had lost more data in the first part of 2009 than the total amount lost by central Government and all local authorities combined.

Since the 1998 Department of Health strategy 'Information for Health', the Government has been committed to lifelong electronic health records for patients through the National Programme for IT (NPfIT) and its delivery programme - NHS Connecting for Health. However with a project cost of over £12 billion and a projected completion date of 2014 – four years later than planned, opposition political parties have sensed an opportunity, and the Conservatives have proposed replacing the NPfIT with private sector solutions offered by Google and Microsoft.

This report is an analysis of the status of confidential medical records in the UK, the security around access to sensitive personal information and how the Government's NPfIT and Conservative private sector proposals could change the current situation.

The current state of medical records in the UK

There are at least 101,272 non-medical personnel working in NHS Trusts in Britain that have access to confidential medical records. Several of the larger Trusts refused to answer our Freedom of Information request, claiming that going through their staff records to isolate those with access would exceed the allowed time limit for answering an FOI request.

According to the responses we received, some Trusts found it difficult to quantify exactly how many people have access at any one time because the figure fluctuates constantly depending on staff turnover, access to the computer network and security clearance. This problem will be more keenly felt at larger Trusts.

Access changes often and there are only certain groups of staff that have access to patient data as part of their role, whereas the rest – while not formally required to access patient data – are often able to do so as they have access to the Trust's computer network.

Therefore, at present, there is no clear framework for tracking and auditing the access to medical records by non-medical personal in Britain. There are 1.3 million people working in the NHS as well as a huge number of temporary agency staff—not just doctors and nurses, but managers, administrative staff, IT staff and contractors.

The Data Protection Act makes it illegal to access medical records without good reason to do so: i.e. if there isn't a requirement, or the individual isn't under instruction to do so. A contradiction exists between the illegality of accessing medical records in the absence of the above criteria, and the current ease and extent of access. There is no reason or set of reasons which would override the above criteria – however under the current system there are many instances where access can occur, and does occur in the absence of that criteria.

While it is possible to argue that those not directly involved in patient care require access under the current system (it would slow down emergency medicine, potentially requiring additional trained medical personnel to check patient histories) room for abuse is high and this poses significant privacy and data security risks. In addition, it

suggests that the NHS is acting in direct and continuing contravention of the ruling of a recent European Court judgement.

I v. Finland

On 17th July 2008, the European Court of Human Rights in Strasbourg gave judgement in an application against the Republic of Finland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms.¹ The applicant contended that the Finnish Government had violated Article 8 of the Convention.² She was a nurse who had worked in a public hospital between 1989 and 1994 and paid regular visits to the same hospital's infectious diseases clinic from 1987, having been diagnosed with HIV. In 1992, it became apparent that her colleagues at the hospital's ophthalmic department had had access to her patient records. Three years later, her contract at the hospital was not renewed.

The Court observed that it had not been contended that there was any deliberate unauthorised disclosure of the applicant's medical data such as to constitute an interference with her right to respect for her private life. Nor had the applicant challenged the compilation and storage of her medical data. She complained rather that there was a failure on the part of the hospital to guarantee the security of her data against unauthorised access.

The Strasbourg court unanimously held that the district health authority, by failing to establish a system from which the nurse's confidential patient information could not be accessed by staff who did not treat her, had violated article 8 of the European Convention of Human Rights, and ordered the state to pay 14,000 Euros in damages and 20,000 Euros in costs.

¹ *I v. Finland* [2008] ECHR 20511/03 (17 July 2008)

² Article 8 - Right to respect for private and family life (*European Convention on Human Rights*)

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Security breaches in the UK

The NHS has a long and uncomfortable history of data loss and security breaches. In May 2009, then Information Commissioner, Richard Thomas ordered an urgent overhaul of data security in the health service after he found that in four months, 140 security breaches had been recorded within the NHS – more than the total number from inside central Government and all local authorities combined.³

Despite the Commissioner's intervention, rates of data loss in the NHS have remained high and recent stories have included Ashford and St Peter's Hospitals NHS Trust losing three unencrypted USB sticks containing sensitive information about cancer patients⁴ and a nurse suspended for putting photographs of operations on facebook.⁵

The more people with access to sensitive information, the more likely it is that data will be lost. It is also more likely that those who don't need access will misuse it. Dr Mark Walport, of the Wellcome Institute, has argued that “confidential medical records flow freely around the NHS - and it is down to medical secretaries, who take down dictation from doctors, and other members of staff to keep them confidential, something which is instilled into them in training.”⁶

However, harsh penalties, training and hoping that staff are incorruptible is a flimsy approach to personal privacy, especially when – as the Prime Minister Gordon Brown found out to his cost earlier this year⁷ – the records are of someone known to the person who has access. Equally, having access to records can be extremely valuable to the private sector, and those conducting research. As e-Health Insider reported in November last year:

³ Savage, M. *NHS 'loses' thousands of medical records* (The Independent, 25th May 2009)

<http://www.independent.co.uk/news/uk/politics/nhs-loses-thousands-of-medical-records-1690398.html>

⁴ e-Health Insider, *Trust loses cancer patient data* (28th October 2009)

http://www.ehprimarycare.com/News/5389/hundreds_of_records_breached_in_hull

⁵ Mackinnon, L. *Nurse suspended for putting photographs of patients taken during operations on Facebook* (22nd January 2010)

<http://www.dailyrecord.co.uk/news/scottish-news/2010/01/22/nurse-suspended-for-putting-pics-of-patients-during-operations-on-facebook-86908-21986444/>

⁶ Wheeler, B. *Who is looking at your medical records?* (BBC News Online, 5th December 2008)

http://news.bbc.co.uk/1/hi/uk_politics/7749879.stm

⁷ Aitken, M. *Medical records of Gordon Brown and Alex Salmond hacked* (Daily Record, 1st March 2009)

<http://www.dailyrecord.co.uk/news/2009/03/01/medical-records-of-gordon-brown-and-alex-salmond-hacked-78057-21162440/>

A primary care trust employee, who was authorised to use collated and anonymous patient data for research, but not permitted to access individual patient records, accessed a total of 358 across 20 GP practices.⁸

Non-medical personnel are, theoretically, no more likely to abuse their access to patient records as medical practitioners – doctors, nurses, pharmacists etc. The European Court judgement in *I vs Finland* goes further than this and establishes a legal right to restrict medical records only to those directly involved in a patient's personal care.

It is our contention that, under the current system used in the NHS, there are too many people who have access but do not need it and that, as a consequence, the rates of data loss and abuse are far higher in the NHS than in any other Government body. It is a direct result of this failure that the Government has pushed ahead – in the face of strong opposition and spiraling costs – with the NHS Spine.

The NHS Spine

The NHS Spine has three main parts: The Population Demographics Service (PDS), which will keep a record of patient addresses; The Summary Care Record (SCR), which will keep a record of current prescriptions and ailments; and the Secondary Uses Service (SUS), a rolling log and audit of aftercare services. Allied to these three elements of the Spine is the Detailed Care Record (DCR), which sits at the heart of the NPfIT and is intended to act as something akin to a wiki-record of patient medical details.

The first problem with the Spine is that it opens the door to medical records being shared between government departments with much greater ease and without patient consent. In an interview with the *Guardian* in February, Dr Hamish Meldrum, chairman of the British Medical Association, said the profession was "extremely concerned" about clause 152 of the coroners and justice bill, which would allow the

⁸ E-Health Insider, Hundreds of records breached in Hull (16th November 2009)
http://www.ehiprimarycare.com/News/5389/hundreds_of_records_breached_in_hull

Department of Health to share information on NHS databases with other ministries and private companies.⁹

It is the Summary Care Record that poses the most danger to privacy in terms of the immediacy of access it grants to patient medical details. The SCR is already coming under fire for its approach to loading people on the initial database – the British Medical Association recently publicly criticised the manner in which medical records are being uploaded without patient consent.¹⁰ As the authors of the Joseph Rowntree Reform Trust paper 'Database State' wrote:

*The Department of Health is moving to a 'consent-to-view' model in which the data will be collected anyway, but made available to clinicians treating a patient if they claim the patient has consented. This is quite the wrong way round: SCR data will be widely available to administrators and civil servants, even where the patient prevents clinicians involved in her care from seeing it. (It is also the model used in the Scottish system).*¹¹

The NHS wants more than 50 million people in England to agree to have an individual summary care record (SCR). The records will contain basic medical details such as allergies, illnesses, vaccination history and medicines being taken and it is estimated will be available to anything between 300,000 and half a million doctors, nurses, ambulance drivers, contractors and others. In a disclosure that has several implications for the SCR system, the Irish Independent has reported that catering staff in Ireland were able to access confidential patient information held on a £54m health service record system which is being rolled out across Ireland.¹²

The Detailed Care Record (DCR) is intended as an electronic answer to hard-copy medical records sent through the post – as under the current system - but with the

⁹ Carvel, J. *Data bill jeopardises confidentiality, say doctors' leaders* (The Guardian, 14th February 2009)

<http://www.guardian.co.uk/technology/2009/feb/14/medical-records-nhs-privacy>

¹⁰ BBC News Online, *Calls to halt England NHS patient database development* (10th March 2010)

<http://news.bbc.co.uk/1/hi/health/8559045.stm>

¹¹ Anderson, R. Brown, D. et al, *Database State* (Joseph Rowntree Reform Trust, 2009) p.13

¹² Melia, P. *Caterers 'had access to patient files'* (Irish Independent, 15th March 2010) <http://www.independent.ie/national-news/caterers-had-access-to-patient-files-2099292.html>

added benefit of allowing users to alter the records with relative ease. Although at present it is only available and managed locally, if the DCR were to be rolled-out nationally it would have massive implications for personal privacy. Even in its present form, because it comprises the full clinical notes for each patient including a recording of each 'care event', and can be accessed and altered by all health professionals within a certain locality, the DCR is very vulnerable to abuse.

The Conservative Party's Proposal

The Conservatives have said they wish to hand over medical records to internet servers run by private companies, with Google Health and Microsoft Health Vault being their suggested options. This was first proposed in a pamphlet called *It's Ours* written by Liam Maxwell and published by the Conservative-supporting Centre for Policy Studies.

Under the Conservative Party proposals, it will be up to primary care trusts to decide which of the rival systems to use and patients will be given the option of moving their medical notes to these companies. Patients would have to give consent before doctors could see their records and if the patient decided not to opt into the system - or did not have access to the internet - their medical records would remain at their GP surgery.

The Conservatives' intention is to give patients greater freedom over health data, allowing them to check and even edit their NHS record online. Records will be accessed securely via personal computers and patients will be able to update their records with things ranging from side-effects to blood pressure and cholesterol levels.

On the face of it the Tory proposals offer far greater security for patient details than the Government's huge state databases. Unsurprisingly, the British Medical Association has claimed that the plan would make it harder for doctors to access information in an emergency. There is also a question hanging over the nine million households in Britain that do not have access to the internet, and what eventually happens to the medical records of those who do not take part?

The biggest concern is that the information could be vulnerable to hackers or corporate interests. Conservative MP and former Shadow Home Secretary David Davis

has said Google would be 'the last company' he would trust with sensitive data.¹³ Having already faced accusations of privacy invasion with their Street View programme, many will balk at the thought of handing over intensely personal information to a private company that doesn't face anything like the same scrutiny as a government body.

What next?

At present the number of non-medical personnel with access to confidential medical records leaves the system wide open for abuse. Whilst Big Brother Watch has considered emergency, necessity and practicality concerns, we believe it is possible to reduce the number of those non-medical personnel with access to medical records, while also introducing a means of tracking, auditing, and identifying those who access these records and for what reasons.

The only serious measure that the government have sought to implement for those caught abusing their access is tougher penalties – including fines and imprisonment. Meanwhile they have pressed ahead with the NHS Spine which looks set to drastically increase number of those with access to medical records. Though elements of the NPfIT would restrict the number of non-medical personnel, when the SCR, DCR and PDS goes live, hundreds of thousands of NHS staff will have access to the medical data of nearly every person in the country.

¹³ Davis, D. *I wouldn't trust Google with my personal info* (The Times, 27th July 2009)
http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article6728116.ece

Methodology

- Freedom of Information requests were used to obtain these figures. Every NHS Acute Trust in Britain was sent a request asking for the total number of non-medical personnel with access to confidential medical records. The full text of the Freedom of Information request submitted is included in Appendix 3.
- For the purposes of clarity, we defined non-medical personnel as any member of staff not directly involved in the treatment of patients – namely administrative staff. Therefore all types of doctors, nurses, midwives, pharmacists, medical students and so forth are exempt from this FOI request. We defined access as being able to see at least a patient's full name, date of birth and most recent medical history and immediate access as the ability to access medical records without requiring the consent of the patient or a signature from a health professional (i.e. a doctor, nurse or similar).
- Of the 194 NHS Acute Trusts in the UK, 140 provided usable information. 43 Trusts either refused to disclose any information or did not disclose adequate information to be included in this report. No Trust failed to respond to our request, however 11 Trusts did not provide the information requested despite repeated phone calls, emails and, in some cases, having 40 working days to do so – which is twice the statutory limit of 20 working days.

Guide to the Appendices

The Appendices to this note contain further details of *Broken Records*:

- The list of the 10 Trusts in the UK with the highest number of non-medical personnel with access to medical records (plus the Trust with the highest in Scotland) is available in Appendix 1
- The full list of NHS Trusts that responded to our FOI request is found in Appendix 2
- The full list of those Trusts that failed to provide an answer and their reasons can be found in Appendix 3
- An example response from South Warwickshire General Hospitals NHS Trust to demonstrate the sort of roles within the NHS granted access to medical records is found in Appendix 4
- The original FOI request as sent to all 194 Trusts in the UK is found in Appendix 5

Appendix 1: Top 10 Trusts with highest number of non-medical staff with access to medical records

Rank	Name of NHS Acute Trust ¹⁴	Number of non-medical personnel
1	Sandwell and West Birmingham Hospitals NHS Trust	2487
2	Cardiff and Vale NHS Trust (WALES)	2046
3	Guy's and St Thomas' NHS Foundation Trust	2041
4=	Oxford Radcliffe Hospital NHS Trust	2000 (approx)
4=	The Newcastle Upon Tyne Hospitals NHS Foundation Trust	2000 (approx)
6	University Hospitals Coventry and Warwickshire NHS Trust	1912
7	Abertawe Bro Morgannwg University NHS Trust (WALES)	1900 (approx)
8	Sheffield Teaching Hospitals NHS Foundation Trust	1898
9	Belfast Health and Social Care Trust (N.I.)	1812
10	Derby Hospitals NHS Foundation Trust	1807
20=	NHS Greater Glasgow and Clyde (SCOTLAND)	1300 (approx)

Appendix 2: Full list of NHS Trusts (A-Z)

Name of NHS Acute Trust	Number of non-medical personnel
ENGLAND	
Airedale NHS Trust	385
Alder Hey Children's NHS Foundation Trust	602
Ashford and St Peter's Hospitals NHS Trust	381
Barnsley Hospital NHS Foundation Trust	705
Barts and The London NHS Trust	1750
Basingstoke and North Hampshire NHS Foundation Trust	166
Bedford Hospital NHS Trust	326
Birmingham Children's Hospital NHS Foundation Trust	609
Birmingham Women's NHS Foundation Trust	150
Blackpool, Fylde and Wyre Hospitals NHS Foundation Trust	277

¹⁴ Trust is based in England unless stated

Name of NHS Acute Trust	Number of non-medical personnel
Bradford Teaching Hospitals NHS Foundation Trust	852
Brighton and Sussex University Hospitals NHS Trust	1300
Buckinghamshire Hospitals NHS Trust	262
Burton Hospitals NHS Foundation Trust	930
Chelsea and Westminster Hospitals NHS Foundation Trust	236
Chesterfield Royal Hospital NHS Foundation Trust	289
City Hospitals Sunderland NHS Foundation Trust	168
Clatterbridge Centre For Oncology NHS Foundation Trust	132
Colchester Hospital University NHS Foundation Trust	254
County Durham and Darlington NHS Foundation Trust	959
Dartford and Gravesham NHS Trust	1100
Derby Hospitals NHS Foundation Trust	1807
East Cheshire NHS Trust	518
East Kent Hospitals University NHS Trust	1100
Epsom and St Helier University Hospitals NHS Trust	398
Gateshead Health NHS Foundation Trust	526
George Eliot Hospitals NHS Trust	142
Gloucestershire Hospitals NHS Foundation Trust	1558
Great Ormond Street Hospital For Children NHS Trust	483
Guy's and St Thomas' NHS Foundation Trust	2041
Harrogate and District NHS Foundation Trust	194
Heart Of England NHS Foundation Trust	1569
Heatherwood and Wexham Park Hospitals NHS Foundation Trust	746
Hereford Hospital NHS Trust	671
Homerton University Hospital NHS Foundation Trust	500
Imperial College Healthcare NHS Trust	981
Ipswich Hospital NHS Trust	1084
James Paget University Hospital NHS Foundation Trust	751
King's College Hospital NHS Foundation Trust	438
Kingston Hospital Trust	719
Leeds Teaching Hospitals NHS Trust	1366
Liverpool Heart and Chest Hospital NHS Trust	82
Liverpool Women's NHS Foundation Trust	324
Luton and Dunstable Hospital NHS Foundation Trust	986
Maidstone and Tunbridge Wells NHS Trust	350
Mayday Healthcare NHS Trust	423
Medway NHS Foundation Trust	291
Mid Essex Hospital Services NHS Trust	748

Name of NHS Acute Trust	Number of non-medical personnel
Mid Staffordshire NHS Foundation Trust	528
Mid Yorkshire Hospitals NHS Trust	307
Moorfields Eye Hospital NHS Foundation Trust	204
Newham University Hospital NHS Trust	321
Norfolk and Norwich University Hospitals NHS Foundation Trust	627
North Bristol NHS Trust	950
Northampton General Hospital NHS Trust	369
Northern Devon Healthcare NHS Trust	750
Northern Lincolnshire and Goole Hospital NHS Foundation Trust	1290
Northumbria Healthcare NHS Foundation Trust	883
Nuffield Orthopaedic Centre NHS Trust	260
Oxford Radcliffe Hospital NHS Trust	2000
Papworth NHS Foundation Trust	260
Peterborough and Stamford Hospital NHS Foundation Trust	295
Plymouth Hospitals NHS Trust	1247
Poole Hospital NHS Foundation Trust	500
Queen Elizabeth Hospital King's Lynn NHS Trust	408
Queen Victoria Hospital NHS Foundation Trust	97
Robert Jones and Agens Hunt Orthopaedic and District Hospital NHS Trust	343
Royal Bolton Hospital NHS Foundation Trust	1400
Royal Liverpool and Broadgreen University Hospitals NHS Trust	1800
Royal National Hospital For Rheumatic Diseases NHS Foundation Trust	49
Royal United Hospital Bath NHS Trust	410
Royal West Sussex NHS Trust	820
Salford Royal NHS Foundation Trust	454
Salisbury NHS Foundation Trust	667
Sandwell and West Birmingham Hospitals NHS Trust	2487
Scarborough and North East Yorkshire Health Care NHS Trust	545
Sheffield Children's NHS Foundation Trust	525
Sheffield Teaching Hospitals NHS Foundation Trust	1898
Sherwood Forest Hospitals NHS Foundation Trust	490
South Devon Healthcare NHS Foundation Trust	625
South Downs Health NHS Trust	190
South Tyneside NHS Foundation Trust	225
South Warwickshire General Hospitals NHS Trust	358
Southampton University Hospital NHS Trust	835
Southport and Ormskirk Hospital NHS Trust	208

Name of NHS Acute Trust	Number of non-medical personnel
St Helens and Knowsley Hospitals NHS Trust	582
Stockport NHS Foundation Trust	1500
Surrey and Sussex Healthcare NHS Trust	510
Taunton and Somerset NHS Foundation Trust	201
The Christie NHS Foundation Trust	881
The Dudley Group of Hospitals NHS Foundation Trust	1151
The Newcastle Upon Tyne Hospitals NHS Foundation Trust	2000
The Princess Alexandra Hospital NHS Trust	220
The Rotherham NHS Foundation Trust	681
The Royal Orthopaedic Hospital NHS Foundation Trust	137
The Royal Wolverhampton NHS Trust	1146
The Whittington Hospital NHS Trust	736
Trafford Healthcare NHS Trust	325
University Hospital Of North Staffordshire NHS Trust	1136
University Hospital Of South Manchester NHS Foundation Trust	1170
University Hospitals Bristol NHS Foundation Trust	1795
University Hospitals Coventry and Warwickshire NHS Trust	1912
University Hospitals Of Morecambe Bay NHS Trust	991
Walsall Hospitals NHS Trust	1135
Walton Centre For Neurology and Neurosurgery NHS Trust	129
Warrington and Halton Hospitals NHS Foundation Trust	507
West Hertfordshire Hospitals NHS Trust	430
West Middlesex University Hospital NHS Trust	346
West Suffolk Hospitals NHS Trust	353
Weston Area Health NHS Trust	295
Winchester and Eastleigh Healthcare NHS Trust	800
Wirral University Teaching Hospital NHS Foundation Trust	1158
Worthing and Southlands Hospitals NHS Trust	949
Wrightington, Wigan & Leigh NHS Trust	1185
Yeovil District Hospital NHS Foundation Trust	280
York Hospitals NHS Foundation Trust	746
Total number of non-medical personnel with access in England	83641
SCOTLAND	
NHS Ayrshire and Arran	556
NHS Borders	140
NHS Dumfries and Galloway	294
NHS Fife	1190
NHS Forth Valley	769

Name of NHS Acute Trust	Number of non-medical personnel
NHS Grampian	179
NHS Greater Glasgow and Clyde	1300
NHS Lanarkshire	882
NHS Lothian	300
NHS Orkney	29
NHS Shetland	53
NHS Western Isles	41
Total number of non-medical personnel with access in Scotland	5733
WALES	
Abertawe Bro Morgannwg University NHS Trust	1900
Aneurin Bevan Health Board	453
Cardiff and Vale NHS Trust	2046
Cwm Taf NHS Trust	1750
Hywel Dda NHS Trust	1245
North West Wales NHS Trust	400
Powys Teaching Local Health Board	400
Velindre NHS Trust	179
Total number of non-medical personnel with access in Wales	8373
NORTHERN IRELAND	
Belfast Health and Social Care Trust	1812
South Eastern Health and Social Care Trust	691
Southern Health and Social Care Trust	522
Western Health and Social Care Trust	500
Total number of non-medical personnel with access in N.I.	3525
Total number of non-medical personnel with access to confidential medical records in the United Kingdom	101,272

Appendix 3: Trusts who failed to answer

Trust did not respond in time
ENGLAND
Calderdale and Huddersfield NHS Foundation Trust
Countess Of Chester Hospital NHS Foundation Trust
Dorset County Hospital NHS Foundation Trust
East and North Herfordshire NHS Trust
North Tees and Hartlepool NHS Foundation Trust
Pennie Acute Hospital NHS Trust
Royal Cornwall Hospitals NHS Trust
Royal Surrey County Hospital NHS Trust
University Hospitals Of Leicester NHS Trust
Worcestershire Acute Hospitals NHS Trust
NORTHERN IRELAND
Northern Health and Social Care Trust

Trust refused to answer
ENGLAND
Aintree University Hospitals NHS Foundation Trust
Barking, Havering and Redbridge University Hospitals NHS Trust
Barnet and Chase Farm Hospitals NHS Trust
Basildon and Thurrock University Hospitals NHS Foundation Trust
Cambridge University Hospitals NHS Foundation Trust
Central Manchester University Hospital Foundation Trust
Doncaster and Bassetlaw Hospitals NHS Foundation Trust
Ealing Hospital NHS Trust
East Lancashire Hospitals NHS Trust
East Sussex Hositals NHS Trust
Frimley Park Hospital NHS Foundation Trust
Great Western Hospitals NHS Foundation Trust
Hinchingbrooke Health Care NHS Trust
Hull and East Yorkshire Hospitals NHS Trust
Isle of Wight NHS PCT
Kettering General Hospital NHS Foundation Trust
Lancashire Teaching Hospital NHS Foundation Trust
Mid Cheshire Hospitals NHS Foundation Trust
Milton Keynes Hospital NHS Foundation Trust

North Cumbria University Hospitals NHS Trust
North Middlesex University Hospital Trust
Nottingham University Hospital NHS Trust
Portsmouth Hospitals NHS Trust
Royal Berkshire NHS Foundation Trust
Royal Brompton and Harefield NHS Trust
Royal Devon and Exeter NHS Foundation Trust
Royal Free Hampstead NHS Trust
Royal Surrey County Hospital NHS Trust
Shrewsbury and Telford Hospitals NHS Trust
South Tees Hospital NHS Trust
Southend University Hospital NHS Foundation Trust
St George's Healthcare NHS Trust
Tameside Hospital NHS Foundation Trust
The Hillingdon Hospital NHS Trust
The Lewisham Hospital NHS Trust
The Royal Bournemouth and Christchurch Hospitals NHS Foundation Trust
The Royal Marsden NHS Foundation Trust
United Lincolnshire Hospitals NHS Trust
University College London Hospitals NHS Foundation Trust
University Hospital Birmingham NHS Foundation Trust
Whipps Cross University Hospital NHS Trust
SCOTLAND
NHS Highland
NHS Tayside

Appendix 4: Example response

(South Warwickshire General Hospitals NHS Trust.)

Department	Members of staff
Health Records Clerks	41
Outpatients Health Records Clerks (Call Centre/Referrals/Receptions etc)	55
Secretaries (including X-ray/Path Lab etc)	94
Team Assistants' to Secretaries	23
A & E/X-Ray/Physio/Oral and Facial Receptionists	20
Ward Clerks	37
Chief Executive and Secretary	2
Clinical Effectiveness Team (for Audits)	4
Physiotherapy team (Clerical)	10
Psychology team	1
Coding/Information team	17
PALS team	1
Bereavement Officer	1
OGM's/AGM's and their assistants	8
GU Medicine team (Clerical)	4
Governance/Litigation team and Complaints	14
IT Training Team	7
Finance team	5
IT Help Desk	11
Medical Education	3

Appendix 5: FOI Request

Freedom of information request for details of access to health records by non-medical personnel.

Dear Sir/Madam,

I am writing to obtain information about the access to confidential health records by non-medical personnel within **XX** trust.

To prevent confusion I define non-medical personnel as any member of staff not directly involved in the treatment of patients – namely administrative staff. Therefore all types of doctors, nurses, midwives, pharmacists, medical students and so forth are exempt from this FOI request.

To outline my query as clearly as possible, I am requesting:

1. The total number of non-medical personnel working within **XX** trust who have immediate access to confidential medical records.

My definition of access is being able to see at least a patient's full name, date of birth and most recent medical history. I define immediate access as the ability to access medical records without requiring the consent of the patient or a signature from a health professional (i.e. a doctor, nurse or similar).

My preferred format to receive this information is electronically, but if that is not possible I will gladly accept hard copies. I understand that under the Freedom of Information Act, I am entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request as soon as possible.

Kind regards,

Big Brother Watch

About Big Brother Watch

Big Brother Watch was set up to challenge policies that threaten our privacy, our freedoms and our civil liberties, and to expose the true scale of the surveillance state.

Founded in 2009, we have produced unique research exposing the erosion of civil liberties in the UK, looking at the dramatic expansion of surveillance powers, the growth of the database state and the misuse of personal information.

We campaign to give individuals more control over their personal data, and hold to account those who fail to respect our privacy, whether private companies, government departments or local authorities.

Protecting individual privacy and defending civil liberties, Big Brother Watch is a campaign group for the digital age.

Financial support for this research paper was provided by the Politics and Economics Research Trust (charity number 1121849). Any views expressed in this paper are those of the authors and not those of the research trust or of its trustees

If you are a journalist and you would like to contact Big Brother Watch, including outside office hours, please call +44 (0) 7505 448925 (24hrs) You can also email press@bigbrotherwatch.org.uk for written enquiries.

E-mail: info@bigbrotherwatch.org.uk

Mail:

Big Brother Watch
55 Tuffon Street
London
SW1P 3QL

www.bigbrotherwatch.org.uk