

Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref : WQ86514 & WQ86515

James Evans MS
Member of the Senedd for Brecon and Radnorshire

James.Evans@senedd.wales

2 December 2022

Dear James,

Thank you for your recent Written Questions asking me why the national opt-out is not offered in Wales and about the control over personal data the Welsh NHS offers to patients.

The national data opt-out is a service offered in England that allows patients to opt-out of their confidential patient information being used for research and planning. The opt-out is based on the findings of the National Data Guardian who has a statutory role to provide advice and guidance on data privacy to the health and care system in England.

The opt-out offered in England is a policy decision rather than a legal requirement and Wales has not followed that policy position. I understand that the opt-out in England has presented technical and communication challenges and, while patient choice can help to build trust, care must be taken to ensure patients are clear about any choice offered, the implications for them as individuals and the implications for the whole health and care system.

Organisations processing personal and confidential data of citizens in Wales need to comply with data protection legislation and the common law. Patients using NHS services have various rights under the UK General Data Protection Regulation (UKGDPR), including the right to be informed who processes their data for what purposes and the right to object. The common law duty of confidentiality provides an additional safeguard for identifiable information provided by patients to clinicians and others who provide NHS services. Welsh Government expects organisations providing NHS services in Wales to be aware of their legal obligations and the rights of patients.

As Wales progresses with its plans to make better use of Health and Social Care data, my officials will consider what measures are required to provide citizens with assurance that their data is used appropriately.

Yours sincerely,

A handwritten signature in blue ink, reading "M. E. Morgan".

Eluned Morgan AS/MS

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