

Ref: FOI/GS/ID 5906

Please reply to:
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Trust Management
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Freedom of Information Act 2000

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to Data sharing.

You asked:

1. Does this NHS Trust have, or has it ever had, an agreement with Experian, or any other credit agency, to share data?
2. If yes, please provide all such agreement documents. I would find it acceptable if you need to redact financial or personal information.
3. Are there, or have there ever been, any service-level agreements in place between this NHS Trust and the Home Office Immigration Enforcement to share data?
4. If yes, please provide all such SLAs. I would find it acceptable if you need to redact financial or personal information.

Trust response:

1. No
2. Not applicable.
3. The Trust operates as per the Guidance on implementing the Overseas Visitor Charging Regulation issued in October 2019 which states:

‘Staff are not required to obtain consent from a patient before sharing non-clinical data with the Home Office for the purposes of determining the patient’s immigration status. However, the NHS should notify the patient that their data is being shared, and how this data may or will be used. You are not required to keep a signed record of the patient’s consent for your records, although you are encouraged to provide the patient with the information leaflet known as “Information for patients: why your data has been shared with the Home Office”, which is part of the OVM toolbox. It is

also best practice to keep a note recording that this has been done. For further information on patient confidentiality, see Chapter 11. It still remains the case that under no circumstances should any clinical data be divulged when seeking immigration status information from the Home Office.

NHS bodies (or debt collection agencies working on their behalf) can share non-clinical data with the Home Office, via the Department of Health and Social Care, on chargeable non-EEA patients, providing they meet set criteria, with a view to better collect debts owed. The Home Office can then use that data to deny any future immigration application to enter or remain in the UK that the person with the debt might make. Patients do not have to provide their consent to this data being shared but NHS bodies should ensure that patients are aware of the potential immigration consequences of not paying a debt for which they are liable. More specific guidance on sharing data with the Home Office for this purpose is provided in the OVM toolbox. NHS bodies must ensure that they pay due regard to the most recent version of the guidance when sharing patient data.

Patients are advised of these points when completing the Trust pre-attendance form.

4. Not applicable.