

Our ref: 262  
30 March 2020

Dear Dr Parry

It has been raised with me by clinicians within the Bradford districts clinical commissioning groups that contingency planning to support patients with suspected Covid-19 coronavirus infection may be facilitated by reinstating the facility within TPP SystmOne to override consent to access the record, either where no preference has been recorded for the patient, or in exceptional circumstances, where the patient has dissented from record sharing. I discussed the matter with my advisory panel on Thursday 26 March 2020.

My view is that in the current serious public health emergency, it may indeed be helpful for you to temporarily reinstate the consent over-ride facility across your estate for the direct care of individuals and the prevention, diagnosis and treatment of those considered to be at risk of Covid-19 coronavirus, where it is not possible to obtain consent, and in line with the recent notices issued by the Secretary of State for Health under the Control of Patient Information (COPI) Regulations.

Any organisation taking a decision to use this facility should do so only after taking advice of its Data Protection Officer and Caldicott Guardian. Only registered and regulated health and care professionals should make such record access decisions in the best interests of their patients and it must be a matter of professional judgement and responsibility whether they need to use this “break-glass” facility.

There must be transparency about the way that data is being shared. Health and care professionals must make every effort to inform patients and the public about any such access and patients should be encouraged to record their sharing preferences. TPP should ensure that a full and clear audit trail is made available to data controllers, and that audit information about the use of the consent override is published monthly and provided to the NDG, ICO, NHS Digital and NHSX.

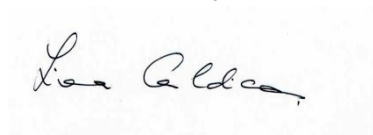
Please inform your users of any changes through your system-wide notice facility and advise practices as best you can to provide appropriate information and support to their patients and staff.

Having discussed this request from TPP users with colleagues from the Information Commissioner's Office (ICO), I can confirm they view this measure as proportionate and in line with their [guidance to healthcare professionals](#).

This should be reviewed within the next three months and should be aligned to the General COPI notice and in any case, time limited to no more than the duration of this notice. I would advise that there needs to be a clear exit strategy which will consider when and how the override should be turned back off, and, if necessary, how any data shared would need to be deleted.

I will also inform my sponsor team at the DHSC (Department of Health and Social Care), NHSX, the ICO and other key stakeholders of the view that I have provided to you. Please ensure that you engage relevant stakeholders through established assurance and standards processes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fiona Caldicott', is written over a light blue rectangular background.

Dame Fiona Caldicott, MA FRCP FRCPsych  
[National Data Guardian for Health and Social Care](#)

[CC Simon Madden, NHS X](#)