

20 November 2023

IC-270212-Y9V5

Request

We received your request on 9 November.

Your request, made via live chat, was as follows:

"I'm working on a DPIA for patient access to their medical records and believe the ICO have already been consulted with by NHS England.

...I'm after the ICO response to the proposal, can you let me know the link to any documentation regarding the NHS App please?

I've been in consultation with NHSE, the BMA and others and I've been assured the ICO were consulted on the NHS App, however, I can't find any documentation on the ICO website regarding your response."

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do not hold any information within the scope of your request.

For information, we have not received a DPIA or engaged in a formal consultation process with NHS England about the NHS app.

Each GP practice is a controller in their own right, and so far 130 DPIAs have been submitted by GP surgeries under Art 36(2) for prior consultation and we are still working on our position. Each of the GP practices have received a standard acknowledgement, but other than that, no formal response has been sent.

We have also engaged in informal discussions with NHSE about the app through the course of our regular engagement with them over the course of the past year, but have not issued any formal response or approval to them in respect of the Accelerated Access Programme.

You may already be aware, but the BMA has issued a template [DPIA](#) which can be used as a starting point for GPs surgeries in drafting a DPIA for the Accelerated Access Programme.

It is important to reiterate, however, that the completion of the DPIA is the responsibility of the controller and that the circumstances applicable to their risk assessments are what should be taken into account. Pre populated, generic forms, by their nature, cannot be deemed to be presenting a full and accurate picture of all of the factors relevant to the necessary decision making.

We hope that this response is helpful to you. If you do require further information about our work in this area please make a further request, being as specific as possible about the information that you require.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail icoaccessinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the

FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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