

BHBIA Data Analytics Guidelines

Using HES data from HSCIC

These guidelines are part of a series designed to provide guidance on the legal and ethical issues impacting data analysts

INTRODUCTION

While the industry has been utilising data from the NHS for decades, the introduction of the Health and Social Care Act 2012 and the subsequent Care Act 2014 set out new guidelines for the basis on which the custodian of these data – the Health and Social Care Information Centre (HSCIC aka NHS Digital) can release Hospital Episode Statistics (HES) data.



In summary, HES data can only be shared for “the purposes of the provision of health care or adult social care, or the promotion of health”. An additional restriction was introduced by note 741 to the 2014 act, stipulating that the data was not to be used for “solely commercial purposes”.

The basic principle is that patient data should ultimately only be used to benefit patients, and that each separate use of the data needs to be justified. For the avoidance of doubt, use is not permitted for pure marketing purposes such as targeting and segmentation or field force alignment.

Data is available in a variety of ways, each of which have different implications.

TABULATED DATA

NHS Digital can provide tables of aggregated data to answer specific questions. A wide variety of data is published on the internet (<https://digital.nhs.uk/data-and-information/data-tools-and-services/data-services/hospital-episode-statistics>), or requests for specific data can be made via enquiries@nhsdigital.nhs.uk. Any data provided will be published on the NHS Digital website or can be provided as a monthly extract if you complete the applications form and it is accepted.

PATIENT LEVEL DATA FROM THE NHS DIGITAL

NHS Digital can provide patient level data for analysis. NHS Digital is careful to ensure that it understands the exact purpose for which the data will be used, and will look to provide the minimum level of data required to fulfil this purpose. Data is typically pseudonymised, meaning that identifying fields such as name, address and date of birth are removed. Higher levels of scrutiny are applied the more sensitive the data that is requested.



Applications for data are scrutinised by a semi-independent committee (IGARD) on behalf of NHS Digital, whose mandate is to ensure the acceptable use of data.

More information on the application process and what is available can be found at <https://digital.nhs.uk/services>

When applying for patient level data, NHS Digital will need to be assured that:

- the data will only be used for the purposes for which it was applied
- that these purposes have a clear mechanism for delivering patient benefit
- that these benefits can be evidenced in the future
- that sufficient security arrangements are in place to safeguard the data
- that the use will not be for purely commercial purposes

DATA INTERMEDIARIES

Alternatively data can be provided by data intermediaries – companies that have applied for data and process it on behalf of others. Each data intermediary will have permission to provide the data to particular types of organisation and for specific purposes, and should make you aware of these restrictions before working with you.

Typically the data provided are aggregated and masked (small numbers hidden to prevent accidental identification of patients).

JUSTIFICATION OF USE

When obtaining patient level data from data intermediaries or reapplying for further data of your own, you are likely to be requested to provide evidence of benefits to the health and social care system delivered from your use of the data to date.

It should be noted that increasing the knowledge within a particular area of medicine is not deemed to be a benefit in itself. Mechanisms detailing how this knowledge has been used to improve patient care need to be described. NHS Digital then use this to justify the ongoing provision of data.

This guidance is provided by the BHBIA for information purposes only and is not intended and should not be construed as regulatory or legal advice. It does not cover all legislative and regulatory requirements pertaining to Members and it is the responsibility of all Members to familiarise themselves with these.

The Guidelines are provided by the Data Analytics Guidelines Team within the BHBIA's Ethics & Compliance Committee,

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If you have any queries about these Guidelines, please visit www.bhbia.org.uk and submit your query via 'My BHBIA' dashboard. Please note: this ad hoc advisory service is available to full BHBIA members only.

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