Health and Social Care (National Data Guardian) Bill

House of Lords, Second Reading
Friday 26th October

About the BMA
The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

The BMA supports the Health and Social Care (National Data Guardian) Bill. We urge parliamentarians to ensure it becomes law in this Parliament.

Purpose of the Health and Social Care (National Data Guardian) Bill:
The purpose of this Bill is to establish a statutory footing for the NDG (National Data Guardian) for health and social care. This role is responsible for providing advice and guidance to all relevant parties regarding the processing of health and adult social care data in England.

BMA support for this Bill:
The BMA believes the role of the NDG is vital to help ensure that confidential health and care data are used and shared appropriately; upholding and protecting the high standards in place for medical confidentiality. We would welcome consolidating the importance of this position, which is already providing a crucial function, by recognising it in statute.

The Information Commissioner’s Office is the regulator for compliance with the General Data Protection Regulation and the Data Protection Act. There is no equivalent national regulator for the confidentiality of personal healthcare data (i.e. information provided by a patient to a healthcare professional for the purpose of receiving care or treatment), despite the significant public interest in maintaining a confidential healthcare service.

In the absence of a regulatory body for the confidentiality of healthcare data, we believe the role of the NDG is uniquely placed to provide independent oversight and advice. This will help to ensure that the health service maintains the trust of the public and the profession by upholding existing, high standards of confidentiality, and intervening where these standards appear to be lacking.

Creating a statutory footing for this role will give the public and patients an assurance that the healthcare system is handling their confidential data appropriately, in line with their expectations, and that any organisations falling short are held to account.

The BMA fully supports the creation of a statutory basis for the National Data Guardian’s role given the hugely important function it plays to safeguard the confidentiality of patient data – maintaining trust between healthcare professionals and their patients.

For further information, please contact:
Holly Weldin, Senior Public Affairs Officer T: 0207 383 6515 | E: hweldin@bma.org.uk

October 2018