**Sample Draft Email to ICB Primary Care IT Team re Access to Records**

*(Date)*

*Dear colleague,*

*We are writing to inform you that in preparation for the Accelerated Access to Records programme we have undertaken a general DPIA (Data Protection Impact Assessment) and we attach this for your perusal.*

*the*

*GP contractors are data controllers of the GP-held medical record. GPs’ duties under the Data Protection Act 2018 (“DPA 2018”) and UK GPDR are paramount and must be observed by GPs instituting any new form of data processing. GPs should not breach their duties as data controllers order to comply with a contractual obligation to provide access. It cannot have been NHS England/the secretary of state’s intention to require GPs to act in breach of their data protection duties. The new contractual requirements require changes to the way that GP contractors as data controllers of the GP-held medical record process their patients’ personal data and, as such, a DPIA is required by law.*

The BMA DPIA has identified a number of risks which may be mitigated by operating an opt-in model, which is to say providing access only to patients who request access, as opposed to providing access to all patients who have not opted out. We have conducted our own DPIA and reached the same conclusion that operating an opt-in model for providing access will help mitigate the risks posed by providing access to all patients at once. *It is our considered opinion as data controllers for the GP-held record, that in order to mitigate against the risks of harm as set out in our attached DPIA that I am sharing with you, we need to initially (until 31 October 2023) proceed with an opt-in model. It is our intention to proactively advise our patients of online records access and seek their consent to proceed with the provision of access to their prospective records via the NHS app (and NHS website) if they have a suitable NHS login.*

*We hope you will be able to support us in this approach which we believe is in the spirit of the contract and is an action we feel we need to take in order to protect our patients as data subjects, and to protect us in our role as data controllers. We look forward to maintaining an open line of communication as we monitor the situation to ascertain how our patients wish to move forward in the run up to the go-live date.*

*Yours sincerely,*

*XXXXX*

*On behalf of XXXXXX Surgery/Practice*