EXPLANATORY MEMORANDUM TO

The Statistics and Registration Service Act 2007 (Disclosure of Patient Registration Information) Regulations (Northern Ireland) 2015

S.R. 2015 No. 208

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 49 of the Statistics and Registration Service Act 2007 ("the Act") and is subject to the affirmative resolution procedure.

2. Purpose

2.1. These Regulations permit the Department of Health, Social Services and Public Safety or any of the health and social care bodies to disclose demographic information to the Statistics Board for the purpose of enabling that Board to carry out its functions in connection with (a) the production of population statistics and (b) the assessment of Northern Ireland census returns.

2.2. Regulation 1 contains the citation and commencement provisions.

2.3. Regulation 2 contains the interpretation provisions.

2.4. Regulation 3 enables the Department of Health, Social Services and Public Safety or any of the health and social care bodies to disclose patient information to the Statistics Board.

2.5. Regulation 4 lists the patient information which may be disclosed.

2.6. Regulation 5 authorises further disclosure by the Statistics Board of information which has been disclosed to it under regulations 3 and 4 to the Northern Ireland Statistics and Research Agency for the purpose of enabling or assisting that Board in the production of population statistics under section 20 (production of statistics) of the Act and the assessment of Northern Ireland census returns.

3. Background

3.1. Information on the size, structure and the socio-demographic nature of the population is needed for resource allocation from central government to local authorities, education and health as well as for the planning and delivery of local services.

3.2. The Statistics Board is a non-ministerial department set up by the Statistics and Registration Service Act 2007 ("the Act") to promote and produce independent official statistics. The Statistics Board has chosen to operate under the name "UK Statistics Authority" ("the Authority") and is responsible for producing accurate UK population statistics.

3.3. The sharing of demographic data from administrative sources is vital for improving methods used for producing population statistics, to ensure they are as accurate as possible and especially for assessing census results.

3.4. In exercising their functions Department of Health, Social Services and Public Safety records demographic information about individual patients when they register for health services. The Authority and the Northern Ireland Statistics and Research Agency (NISRA) have identified this demographic information as central and vital to the work of improving population statistics.

3.5. These regulations permit the sharing of certain information about individual patients ie their surname, and any former surname; first name; middle name, or if more than one, each middle name; patient's home address and postcode and any previous address and postcode; date of birth; gender; date of death (if applicable); patient identification number; their history of registration as a patient including the date they last received health or social care; and country of residence prior to patient registration in Northern Ireland. The information disclosed may not include any direct information about the health or condition of, or the care or treatment provided to, any patient.

3.6. NISRA will make use of the information that it accesses through the regulations to bring about improvements to the population statistics it produces and publishes. In particular it will use it alongside other information to inform the delivery of the next Census.

3.7. Although the regulations will allow NISRA to access personal information it will not publish any personal information which could identity an individual. Section 39 of the Act makes it an offence for a member or an employee of the Authority or NISRA to disclose personal information held by the Authority, subject to the exceptions provided for in subsection (4).

4. Consultation

4.1. The Authority has been consulted on these regulations. Cabinet Office and the Department of Health, Social Services and Public Safety Ministers have consented to the making of these regulations and the Information Commissioner's Office has been informed.

4.2. Northern Ireland Ministers were advised in May 2007 that the Act would allow NI Departments, under appropriate secondary legislative safeguards, to avail of data sharing arrangements solely for statistical purposes. Neither Ministers nor the DFP Assembly Committee sought to alter that decision.

5. Equality Impact

5.1. The Regulations are a mechanism to facilitate the transfer of patient demographic data that applies in a non-discriminatory way.

5.2. An equality impact assessment has been conducted showing no effect and is available from the Department .

6. Regulatory Impact

6.1. The statutory rule has an impact only on those public sector bodies mentioned in the regulations. No impact is foreseen on businesses, charities, social economy enterprises or the voluntary sector therefore a full Regulatory Impact Assessment has not been carried out .

7. Financial Implications

7.1. No direct financial implications other than the administrative cost of managing the data transfer.

8. Section 24 of the Northern Ireland Act 1998

8.1. In the view of the Department of Finance and Personnel these regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. These Regulations make provision similar to that contained in sections 43 and 44 of the Statistics and Registration Service Act 2007 which provide for the disclosure, to the Authority, of patient registration information collected in England and Wales.

11. Additional Information

11.1. Dr David Marshall at Northern Ireland Statistics & Research Agency Tel: 028 90348155 or email: david.marshall@dfpni.gov.uk can answer any queries regarding these regulations.