



**HOUSE OF COMMONS**  
LONDON SW1A 0AA

27<sup>th</sup> July 2023

*Dear Contribute,*

**RE: NHS DIGITAL AND PATIENT DATA**

Thank you for your recent correspondence in respect of your concerns regarding NHS Digital and the handling of patient data. I have read your comments with interest.

Technology is playing a central role in realising the 'NHS Long Term Plan', helping clinicians use the full range of their skills, reducing bureaucracy, stimulating research, and enabling service transformation. Technology allows people to have more control over the care they receive and more support to manage their health, to keep themselves well and better manage their conditions, while assisting carers in their vital work.

The Government is committed to advancing the use of digital technology in health and social care, while maintaining the highest standards of privacy and ethics.

NHS Digital functions legally transferred to NHS England on the 1st February 2023. NHS England is consequently responsible for ensuring it meets its obligations to protect people's data. Data protection law will continue to apply. This means there must always be a valid, lawful basis for the collection and processing of personal information, including special category information within federated data platforms and any other NHS England IT system, as defined under data protection legislation. Data protection impact assessments must be carried out and privacy notices published which explain what data is collected, analysed and shared, and for what purposes.

In May, the Department of Health and Social Care published its guidance that sets out how NHS England will protect patient data, following the transfer of NHS Digital's responsibilities. The guidance is available here:

<https://www.gov.uk/government/publications/nhs-englands-protection-of-patient-data>.

NHS England is also legally required to report annually to Parliament on how well it has discharged its data functions. NHS England also makes an annual data security and protection submission, which demonstrates how they meet data protection obligations.

The Government published its strategy, *Data Saves Lives: Reshaping Health and Social Care with Data*, in June last year. This set out how digital capabilities will enable health and social care to be delivered in a much faster and more effective way, and with a greater emphasis on personalised care. This strategy is supported by the Government's *Plan for Digital Health and Social Care*, which outlined a £2 billion investment to digitise the NHS and at least £150 million to support digital transformation in social care.

The Government is also enabling frontline clinicians to deliver care efficiently, effectively and safely through Electronic Patient Record (EPR) systems. By December 2023, 90 percent of NHS trusts should have EPRs in place and 100 percent by March 2025. In September 2022, the Government published its *Our Plan for Patients* strategy. This committed to using joined-up data and digital tools to increase patient choice and operational productivity. It also committed to freeing-up time to allow carers to care by using IT to reduce bureaucracy.




Further, I note your concerns over media reports about the awarding of contracts for the proposed Federated Data Platform (FDP), a new data tool to connect and integrate patient and other data sources from across the health system. The FDP will be procured via open competition, in line with the *Public Contracts Regulations 2015*. The procurement process is open to all suppliers and will abide by the core principles of the 2015 regulations, including transparency, non-discrimination, equal treatment and proportionality. These principles apply to all suppliers bidding for the FDP. The contract notice and standard selection questionnaire was published on the 10th January, and stage two of the procurement was launched on the 21st February.

On the 20th June 2023, NHS England published a new twelve month contract to support the successful transition from the current Palantir Foundry platform to the new Federated Data Platform and Associate Services (FDP-AS) supplier. This is to provide the safe and smooth transition and exit service of critical products that were developed to respond to the COVID-19 pandemic (for COVID-19 and elective recovery purposes), to alternative provisions, including the transition of products to the new FDP-AS supplier following completion of the procurement process and contract award.

All NHS contracts are procured using the correct procedures. This is a new transition contract with Palantir, with new and improved contract terms, including robust exit and transition schedules to support transition from Palantir to the new federated data platform supplier. This contract includes additional terms, such as termination for convenience and a six-month break clause. The contract was procured by a compliant and transparent direct award tender process, using a Crown Commercial Service framework agreement.

NHS England is committed to transparency on the way data is used within the FDP to ensure that patients are informed of the choice to opt out, where applicable, and how to do so. It is also committed to publishing information on who is accessing data and for what purpose. There must always be a valid lawful basis for the collection and processing of personal information, with transparency about the use of data within the FDP, as defined under the applicable legislation.

Once again, thank you for having taken the time to contact me and if I can ever be of any further assistance to you then please do not hesitate to contact me again.

*With best wishes,*  


**TOM PURSGLOVE MP**  
**MEMBER OF PARLIAMENT**  
**CORBY & EAST NORTHAMPTONSHIRE**