



19 March 2020

Dear Colleague

National Data Opt-out - COVID-19 response

The health and social care system is going to face significant pressures in the coming months due to the COVID-19 outbreak. Staff will need to work in different ways than usual and we want to ensure that they can focus on responding to these events.

We have therefore made the decision to extend the compliance deadline for the national data opt-out for six months up to 30 September 2020, at which point we will review the position.

Those organisations that are already compliant with the national data opt-out should continue as appropriate and organisations that are working towards compliance may continue to do so if they have sufficient resources and are confident that preparation will not impact their response to COVID-19.

The national data opt-out does not apply to the disclosure of confidential patient information where there is an overriding public interest in the disclosure, i.e. the public interest in disclosing the data overrides the public interest in maintaining confidentiality. Our expectation is that the national data opt-out will **not apply** to data sharing for the purposes of responding to COVID-19.

You should also be aware that the final date for submission of the Data Security and Protection Toolkit (DSPT) which helps organisations check that they remain resilient to cyber attacks and through which organisations can confirm their compliance with the national data opt-out has been pushed back to 30 September 2020. More information on this decision can be found [here](#).

Good information governance enables health and care staff to manage and share information to benefit the people they are caring for and the wider public and to enable individuals to understand how their data is used. NHS X has published guidance, endorsed by NHS Digital, the ICO and the National Data Guardian for Health and Social Care, to support clinicians on this issue which you can find [here](#). It builds on the [recent statement by the ICO](#) along with their [Q&A resource](#).



If you require further advice on the national data opt-out then please refer to the NHS Digital [national data opt-out web pages](#) where there is a wide range of guidance available to support you. For information on the Check for National Data Opt-outs service and how to use this see the guidance [here](#).

Please be assured that we intend this extension to be a temporary measure to allow the health and care system to focus on responding to the COVID-19 outbreak; implementation of the national data opt-out remains an important element in the longer term work to build public trust for the use of health and care data.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackie Gray'.

Jackie Gray
Executive Director of Information Governance
NHS Digital

A handwritten signature in orange ink on a light-colored rectangular background, appearing to read 'K. Hall'.

Kathy Hall
Director of Technology & Data Strategy
NHSX