



INFORMATION GOVERNANCE 37

THIRD PARTY DATA

1. Introduction. All practices are very familiar with the administration of Subject Access Requests (SAR). This briefing is going to look at a specific element that relates to data that can be withheld and redacted from release in a SAR. This guide should be read alongside IG Factsheet 22 – Serious Harm Test, which is the only other data that can be redacted from a patient record when a SAR is received.
2. Third Party Data is a term that is frequently used but not always correctly understood. The RCGP, [in their excellent guide to online services](#), talk about “GP records sometimes contain information that is **confidential information about a third party** which the patient must not see”. So Third Party Data must have an element of confidentiality to it. If information about a third party is in the notes because the patient has provided that information, and they are making the SAR, then redacting this won't be necessary. This is because the patient will not be given any new information that is unknown to them.
3. [The ICO here has a three-step approach](#). Does the request require disclosure; has the other party provided consent; and is it reasonable to disclose without consent?
4. Here is a brief scenario:

Bart Simpson attended practice with his parents Homer & Marge Simpson, to investigate his in growing big toe nail. Marge said that his younger sister Lisa had previously suffered with the same problem.

Bart later makes a request for a copy of his records. As Bart already knows who the third-party information relates to it is not necessary to redact any of the names.
5. A SAR will generally contain information that is also the personal data of a health worker. It is reasonable to disclose information about them without their consent, so long as the disclosure meets the appropriate “health data test”. That is a health record contains the information; and the third-party individual is a health professional who; compiled the record; contributed to the record; or was involved in the requester’s diagnosis, care or treatment. The only exemption to this could be if there is a real and credible threat to the healthcare working being identified.
6. Finally, those taking decisions on this issue are advised they can always seek further guidance from organisations such as the ICO and GMC using the links above, or contact the N3i IG Team.

If you have any queries about this, or any Information Governance issue, please contact the N3i service desk marking your query IG. The contact details for the service desk are:

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