



Department of Health

26/06/2015

DE00000943336

Dear Mr McMorrow,

Thank you for your request of 24th June 2015 under the Freedom of Information Act (2000). Your exact request was:

“Do the PHSO have the remit and or power to investigate a Dr breaching the DPA?”

I can confirm that the Department holds this information. Where a breach of the Data Protection Act 1998 (DPA) is suspected, then a complaint should first be made through the complaints process of the NHS organisation concerned. Where the complainant is dissatisfied with the outcome of the complaint then it may be forwarded to the Information Commissioner’s Office (ICO) to investigate. However, the ICO will only consider the complaint in the context of the provisions of the DPA – and will not consider whether there has been a breach of the Common Law in respect of the duty of confidentiality. Where the ICO has been unable to determine whether there has been a breach of the common law duty of confidentiality, the complainant may consider asking the Parliamentary and Health Service Ombudsman (PSHO) to investigate.

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room 520
Richmond House
79 Whitehall
London
SW1A 2NS

Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Anna Coundley

Freedom of Information Officer
Department of Health

freedomofinformation@dh.gsi.gov.uk