



Department
of Health &
Social Care

*From Lord Markham CBE
Parliamentary Under-Secretary of State*

*39 Victoria Street
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The Rt Hon Sir George Howarth MP
By email to: george.howarth.mp@parliament.uk

20 December 2022

Dear Sir George,

Thank you for your correspondence of 18 November on behalf of your constituent,

We are procuring the FDP to support health and care providers to share information with one another safely and appropriately, which will enable services to be delivered more effectively and productively. This means staff working more efficiently, better health outcomes and new ways of accessing care for people, and a more effective understanding of local populations' health and needs.

The FDP, once secured, will be a system of connected data platforms placed in individual NHS organisations and a type of secure data environment. The ambition is that every trust and integrated care system will have its own platform that can interact with a central NHS England platform to understand how many patients are in hospital or how long they are waiting for treatment. The FDP will provide connectivity to support decision-making across the NHS, and make better use of data to transform care and improve outcomes for patients. All software procured will be owned and operated by the NHS and will only be used for purposes that the NHS deems necessary to provide or improve patient care.

The FDP will be procured through open competition, in line with the Public Contracts Regulations 2015. The procurement process has not yet launched and will be open to all suppliers. It will abide by all the core principles of the regulations, including transparency, non-discrimination, equal treatment and proportionality. These principles apply to all suppliers that decide to bid for the NHS England FDP, including the incumbent supplier. Once NHS England has launched the procurement process, any organisation will be able to respond to the advertised contract notice and download the associated tender documents. NHS England cannot reject a bid unless it is non-compliant with the procurement process.

We take the safety and security of patient data very seriously. To ensure that the FDP complies with data protection principles and maintains patient confidentiality, a series of data protection impact assessments will be carried out and a legal mechanism for sharing and processing data will be agreed in consultation with NHS England's information governance team and legal counsel.

Furthermore, patients can opt out from the sharing of their data for secondary use purposes, in line with the national data opt-out policy. They can do this at any point through the NHS app or online, or by phone, email or post. Implementation of the national data opt-out policy has been mandatory for health and adult social care organisations since 31 July 2022.

We are committed to being open and transparent with the public about the way data is used within FDPs. When the FDP is operational, data will be treated in accordance with the provisions set out in the Data Protection Act 2018 and the UK General Data Protection Regulation. Opted-out data will be separated from non-opted-out data prior to the commencement of secondary use.

I hope this reply is helpful.

With my very best wishes,

A handwritten signature in blue ink, appearing to read 'M. Markham', is centered on the page. The signature is fluid and cursive.

LORD MARKHAM CBE