

Freedom of Information Request	FOI 22-484	26 th October 2022
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My request pertains to the recent nhs dental contract awarded to Smart Smiles Ebbw Vale ("Provider") by Aneurin Bevan University Health Board ("ABHB"):

- 1. What categories of personal data (e.g. first name, last name, address, email, telephone number, type of treatment received) of patients previously receiving NHS dental treatment did the ABHB provide to the new provider?**

The provider received the following details;

Patient full name and DOB
Address
Contact telephone numbers
Email Address
Last NHS exam date
Last visit date
Date of next booked appointment

- 2. The number of patients whose data was provider to the new provider**

8286

- 3. For what purpose did the ABHB provide patient data provided to the new Provider?**

It is the duty of the Health Board to provide NHS dental care for its patients. Details were shared with the new Provider to ensure patients have access to dental care in a timely manner. By providing contact details and dates of last examinations, patients could be prioritised and contacted easily for anything relating to their dental care. This also eliminated the need for patients to contact the new practice directly to confirm they would like to remain on their list and instead, patients were asked to contact the Health Board if they had sought alternative NHS care for themselves.

- 4. Was the transfer of patient data to the new Provider subject to any conditions? (If so, please provide a copy of any minutes, emails or agreement documents relating to the transfer).**

The Health Boards Information Governance (IG) Team were consulted, and all relevant processes were followed throughout the whole process and before any information was transferred. As per the IG Teams advice the data was transferred using the Secure File Sharing Portal. Please find attached a 'quick guide' for information. The IG Team also provided appropriate wording for the patient letters below and a link to the [Health Boards privacy notice](#).

'We will ensure that your details are transferred to Bridge Dental Care following current UK-GDPR / Data Protection Act 2018 legislation.'

- 5. Is it policy for the ABHB to disclose personal data of patients who recently received general NHS dental treatment from a local NHS dental contract holder to a new provider? (If it is not policy, please explain the reasons why the transfer took place on this occasion)**

The Health Board recognises the challenges in relation to access to dental services so in order to facilitate the transfer of 8286 patients, details were shared, to ensure patients had access to dental care in a timely manner.

By providing contact details and dates of last examinations, patients this ensure that patient would be prioritised and contacted easily for anything relating to their dental care. It also reduced the need for patients to contact the practice directly.

- 6. How many data protection complaints/enquiries has the ABHB received regarding the transfer of their data to the new Provider? (In the past 6 months).**

The Health Board has not received any complaints/enquiries in relation to data protection/transfer of data to the new provider in the last 6 months.

- 7. A copy of any Data Protection Impact Assessment or similar assessment relating to the transfer of patient data to the new Provider. (If an assessment was not provided then please provide information on why such an assessment has not taken place)**

The Health Board and General Dental Practices have a [Dental Service Contracts \(Wales\) Regulations 2006](#) in place. The Service Specification which practices tendered against covers the GDPR stipulations, and the transfer of patient data under Article 6 (1) (e) Lawfulness of Processing. It was in the interest of patients to share their information to ensure ongoing dental care following the contract resignation.

A Data Protection Impact Assessment was not required in this case because the Health Board and General Dental Practices have a Dental Service Contract in place.

- 8. A copy of the information governance/record management evidence provided by the new Provider during the NHS dental contract bidding process**

The new provider is commissioned through the GDS Access Specification to provide services to patients which stipulates:

'The provider must comply with the stipulations of and ensure that all staff working within the practice understands, their responsibilities in relation to the GDPR, Caldicott, and the Freedom of Information Act.

The provider must have a designated data protection officer (DPO).

All patient records should be maintained within a computerised service and security of all records should be in line with NHS Terms of Service. The

Provider will be required to provide patient identifiable data to inform investigations and anonymised data for the evaluation of the service.'

The GDS contract stipulates:

'The Contractor shall nominate a person with responsibility for practices and procedures relating to the confidentiality of personal data held by it.'

There was no prerequisite for practices to provide any evidence as part of the tender process, but Smart Smiles Ebbw Vale will be monitored in line with the GDS Access Service Specification.