



Statement of the Public Interest in Use of Confidential Health and Care Information by NHS National Services Scotland (NHS NSS) under the Common Law Duty of Confidentiality:

As part of the NHS in Scotland, National Services Scotland (NSS) has statutory roles which are described in the [Statement of Public Task](#) and in the [NSS Data Protection Notice](#). In fulfilling these roles, NSS uses confidential patient health and care information for purposes other than individual patient care. In doing so, NSS has to abide by the Common Law Duty of Confidentiality, as well as Data Protection law and other legal provisions.

The Common Law Duty of Confidentiality requires there to be a lawful basis for the use or disclosure of personal information that is held in confidence. The circumstances that provide a lawful basis are:

- The person whose information is to be used has given their consent
- There is a statutory basis or legal requirement, such as an order from a court
- It is necessary to safeguard the person concerned or another individual
- There is an overriding public interest in the use of the information

When NSS uses confidential patient health and care information for purposes other than individual patient care, it does so on the grounds of public interest under the Common Law Duty of Confidentiality. Examples of public interest purposes for using information in this way include:

- Using information from national clinical audits to improve the quality and safety of health and care services
- Using information about infectious illnesses, prescribing and vaccination to advise on best use of antibiotics and to monitor the effectiveness of vaccination programmes
- To detect fraud within the health and care services and ensure public money is being used properly
- To plan highly specialist services for groups of people with complex health and care needs
- For research to inform new developments and for the effective management and planning of health and care services.

NSS uses anonymous or de-personalised information whenever this is sufficient to allow its staff to undertake their work. When NSS needs to use potentially identifiable but confidential information to undertake work in the public interest, employees follow

strict procedures to protect the confidentiality and privacy of the individuals concerned. Specific advice and approval when required can be sought from the Caldicott Guardian and from the [Public Benefit and Privacy Panel for Health and Social Care in Scotland](#).

NSS Caldicott Guardians can be contacted via nss.nssinfogov@nhs.scot