7 March 2018

Dear Ms Wilkinson,

**Memorandum of Understanding – NHS Digital and the Home Office**

I write following the recent exchange of correspondence with Dr Sarah Wollaston MP, chair of the Health Select Committee, regarding the Memorandum of Understanding (MOU) between NHS Digital and the Home Office.

As you will be aware, the MOU permits the disclosure of confidential patient information between NHS Digital and the Home Office for the tracking of immigration offences. In March 2017, the College expressed concern about the possible impact of this on patient confidentiality and expressed the view that there was no requirement to change the current system, which enables information and records to be obtained via court order.

Since then, we have noted the increasing levels of concern from several stakeholders, including the National Data Guardian, British Medical Association, Public Health England, and General Medical Council, about the impact of the MOU on the doctor-patient relationship, patient confidentiality, and public health.

Over recent months, the College has been engaged in dialogue about the use of patient data with a range of stakeholders. We have said consistently that GPs and other health professionals have a duty to deliver care to patients, regardless of their individual circumstances. This care is provided on the mutual understanding that the information our patients share with us remains confidential. This principle is fundamental to the trust which exists between doctors and patients.

Any process that undermines this trust will both deteriorate the doctor-patient relationship, and deter vulnerable people from seeking medical assistance when they need it. We recognise that the information shared as a result of the MOU is considered to be non-clinical, but any information, even names and addresses, are given by patients in good faith and with the understanding that this remains confidential.

We have also noted concerns about the potential risk to public health. It is crucial that vulnerable patients do not stop presenting to their GP fearing the consequence of immigration enforcement. Whilst it is encouraging that the government has commissioned Public Health England to look at the impact of the MOU on public health, we are concerned that this work will not report until January 2019.

Despite the recent exchange of correspondence between NHS Digital, the Health Select Committee, and the Minister of State for Immigration, it our view that these issues remain unresolved and we are very concerned by the decision to reject calls for the suspension of the MOU. Due to the ongoing interest in the issue, I am copying this letter to Dr Sarah Wollaston MP, chair of the Health Select Committee.

We are keen to work constructively to help resolve these outstanding issues and would be pleased to meet with you to discuss further.

Yours sincerely,

Professor Helen Stokes-Lampard
Chair of RCGP council