



Sarah Wilkinson
Chief Executive
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Dear Sarah,

The Cost Recovery Collection, Processing and Dissemination of overseas visitor and UK Patient-Level Data Directions 2021

1. I am writing on behalf of the Secretary of State for Health and Social Care (the 'Secretary of State') to provide a Direction to the Health and Social Care Information Centre, known as and hereafter referred to in this Direction as 'NHS Digital', to establish and operate a system for the collection and analysis of data to support chargeable status decisions to be made for any National Health Service ('NHS') patient, including NHS patients receiving NHS-funded services provided by non-NHS providers, and secondary and community care delivered outside a hospital setting.
 - 1.1 This Direction is given in exercise of the powers conferred by sections 254(1) and (6) and 304(9), (10), (11) and (12) of the Health and Social Care Act 2012 (the '2012 Act')¹ and Regulation 32 of the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013² (the '2013 Regulations').
 - 1.2 In exercising the activities and functions described in this Direction, NHS Digital must have regard to such policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to NHS Digital.
 - 1.3 This Direction is to be known as the **Cost Recovery Collection, Processing and Dissemination of overseas visitor, and UK Patient-Level Data Directions 2021** and comes into force on the date above.
2. **Purpose**
 - 2.1 The information system established by this Direction supports the Government in ensuring that the NHS remains free at the point of use, for those that are entitled to use it,

¹ 2012 c.7

² S.I. 2013/259

and supports any relevant body (as defined by Regulation 2 of The National Health Service (Charges to Overseas Visitors) Regulations 2015 (as amended)³ (hereafter referred to respectively as 'Relevant Body' and the 'Charging Regulations')) to comply with their obligations under the Charging Regulations, to make and recover charges for any relevant services it provides to an overseas visitor.

2.2 The NHS is a residency-based healthcare system and eligibility for free NHS services is based on the concept of "ordinary residence". An overseas visitor is any person who is not "ordinarily resident" in the UK. A person will be "ordinarily resident" in the UK when that residence is lawful, adopted voluntarily, and for settled purposes as part of the regular order of their life for the time being, whether of short or long duration. A person who is ordinarily resident in the UK must not be charged for NHS services.

2.3 The Charging Regulations place a legal obligation on a Relevant Body to establish whether a person is an overseas visitor to whom charges apply, or whether they are exempt from charge. Under Regulation 3A of the Charging Regulations, the findings must be recorded against the overseas visitor's NHS Number⁴.

3. **Establishing and operating information systems for the Cost Recovery Collection, Processing and Dissemination of overseas visitor, and UK Patient-Level Data Directions 2021**

3.1 Under sections 254(1) and (6) of the 2012 Act, NHS Digital is directed to:

- a) Establish and operate a system for the collection and analysis of data associated with a patient's eligibility for free NHS services:
 - I. Data of a description set out in the "Data" column of Annex 1 (excluding the data which is identified as data NHS Digital does not itself collect) will be collected from the sources identified in Annex 1, subject, in the case of sources which are not NHS organisations, to data sharing agreements being put in place if required.
 - II. Data of a description set out in the "Data Item" column of Annex 2 will be collected from Relevant Bodies, who will update patient records, or provide information directly to NHS Digital on the chargeable status of NHS patients;
- b) Check the data collected pursuant to this Direction is as expected and carry out validation and data quality checks for any significant issues including in accordance with any specific validation and data quality checks set out in any data sharing agreements that have been agreed with non- NHS organisations;
- c) Trace any missing NHS Numbers (using NHS Digital datasets) and add these to the data that has been supplied.
- d) For each dataset collected by NHS Digital listed in Annex 1, agree with the Secretary of State an appropriate outcome where a patient does not have an NHS record, or the record cannot be traced, i.e. destroy the data, create a new NHS record etc.
- e) Update the agreed dataset (as identified in Annex 2 and as amended by NHS Digital

³ Regulation 2 of the National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2017 (SI 2017/756) amends the definition of 'relevant body', which was previously defined as a 'relevant NHS body' in Regulation 2 of the National Health Service (Charges to Overseas Visitors) Regulations 2015 (SI 2015/238).

⁴ The Health and Social Care Act 2012 (Consistent Identifier) Regulations 2015 (S.I. 2015/1439).

and agreed by the Secretary of State and notified in writing by the Secretary of State to NHS Digital from time to time, in respect of each NHS patient in relation to whom information is collected) contained within the patient demographic record held on the Spine in respect of any patient registered with the NHS, and in possession of an NHS number.

3.2 The data collected and analysed by NHS Digital pursuant to this Direction will be stored by NHS Digital on the Personal Demographics Service (the 'PDS') and would inform the NHS of a patient's eligibility for free NHS services. This would be indicated through a chargeable status on the patient record. This status would be used by Relevant Bodies to support them in identifying potentially chargeable patients and seeking to recover charges pursuant to the Charging Regulations.

3.3 NHS Digital will operate the information system established under this paragraph 3 in accordance with the MV-CRP Specification (Phase 4 v0.6, dated 2-Jun-2020) as the same may be amended by agreement by NHS Digital and the Secretary of State in writing from time to time (the "Specification").

4. System delivery functions for the Cost Recovery Collection, Processing and Dissemination of overseas visitor and UK Patient-Level Data Information System

4.1 Under Regulation 32(1) of the 2013 Regulations, NHS Digital is directed to exercise such system delivery functions of the Secretary of State as are required to operate the information system to be established under section 254 pursuant to this Direction.

4.2 The Secretary of State directs NHS Digital to exercise the systems delivery functions described above in accordance with the service levels, support and monitoring requirements, the Specification and the reporting and governance requirements notified by the Secretary of State in writing to NHS Digital as at the date this Direction comes into force, or as those requirements are amended and notified by the Secretary of State in writing to NHS Digital from time to time.

5. Requirement for this Direction

5.1 In accordance with section 254(2)(b) of the 2012 Act, the Secretary of State considers that it is in the interests of the health service in England or of the recipients or providers of adult social care in England for this Direction to be given.

5.2 In accordance with section 254(5) of the 2012 Act, NHS Digital has been consulted before this Direction has been given.

6. Publication

NHS Digital is directed to not publish information collected or produced by complying with this Direction, in accordance with section 260(2)(d) of the 2012 Act.

7. Dissemination

7.1 In accordance with section 261(2)(e) of the 2012 Act, despite the prohibition on publication, NHS Digital may disseminate under section 261(1) of the 2012 Act the information it has obtained by complying with this Direction (where section 261(1) would otherwise not apply due to the restriction on publication) [including] to the Department of Health and Social Care to support the purpose of this Direction, and to Relevant Bodies for

the purpose of enabling those Relevant Bodies to exercise their functions under regulation 3 of the Charging Regulations.

7.2 In accordance with section 262(3) of the 2012 Act, NHS Digital is directed to exercise its power under section 261(4) of the 2012 Act, to disseminate the information collected pursuant to this Direction to Relevant Bodies for the purpose of enabling those Relevant Bodies to exercise their functions under regulation 3 of the Charging Regulations.

7.3 Any information obtained as a result of this Direction may also be disseminated in line with NHS Digital's powers under section 261(5) of the 2012 Act.

8. Fees and accounts

8.1 In accordance with regulation 32(2)(a) of the Regulations, the Secretary of State will make payments to NHS Digital for things done in connection with the exercise of the systems delivery functions referred to above.

8.2 NHS Digital must keep proper accounts, and proper records in relation to the accounts, in connection with this Direction.

9. Duration

9.1 NHS Digital is directed to operate the Cost Recovery Collection, Processing and Dissemination of overseas visitor, and UK Patient-Level Information System and undertake the systems delivery function referred to above (the 'Directed Functions') unless and until revoked by a further direction or instructed in writing by an authorised officer of the Department of Health and Social Care on behalf of the Secretary of State on reasonable notice to suspend and/or permanently cease the Directed Function. Where a Directed Function is to cease, such written request will also contain a direction to revoke this Direction in accordance with the timescales and arrangements to be agreed with NHS Digital.

9.2 The Cost Recovery Collection, Processing and Dissemination of overseas visitor, and UK Patient-Level Information System and related systems delivery functions may be extended in the future. This would be enabled through a further Direction.

10. Review of this Direction

This Direction will be reviewed when the Specification is amended. This review will include consultation with NHS Digital as required by section 254(5) of the 2012 Act.

11. Saving and Revocation

11.1 For the avoidance of doubt, the Health and Social Care Information Centre (Immigration Health Charge) Directions 2015⁵ will continue to apply.

11.2 The Cost Recovery Collection, Processing and Dissemination of non-EEA, EEA and UK Patient-Level Data Directions 2020 issued by the Secretary of State on 9 July 2020 are revoked.

⁵ <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/secretary-of-state-directions/immigration-health-charge-directions-2015>.

Yours sincerely

A handwritten signature in black ink, appearing to read "Elin Jones". The signature is written in a cursive style with a large initial "E" and a trailing flourish.

Elin Jones

Director, Provider Efficiency & Productivity

Annex 1: Directed Visitors and Migrants data-shares (to be updated as appropriate (within the confines of the scope set out in this Direction) by agreement of NHS Digital and the Secretary of State via the Programme Board)

| Data | Source | Process |
|--|---|--|
| EHIC | From GP practices as part of the patient registration process from 1 October 2017. | Through self-declaration, a patient will provide EHIC or PRC details, and the GP practice will send these to NHS Digital to attach to the PDS record. |
| Historic EHIC data | NHS-BSA/DWP EHIC databases from data submitted by Trusts for recovery from European Economic Area (EEA) member states. | Bulk transfer of EHIC patient details matched to NHS records by NHS Digital where they exist, and a chargeable status of 'Category – Charge Exempt Overseas Visitor/EEA' is set on the PDS record. |
| Type 2s | On registration with a GP, a patient has indicated that their registration is not at birth. The person would therefore be registered as a Type 2. | NHS Digital will attach a 'Decision pending' chargeable status to the PDS record to indicate to a Relevant Body that the patient's status needs to be established. |
| Type 4s | On registration with a GP, a patient indicates if they are from abroad. The person would therefore be registered as a Type 4. | NHS Digital will attach a 'Decision pending' chargeable status to the PDS record to indicate to a Relevant Body that the patient's status needs to be established. |
| Digital Status Checker Integration Point 1: European Union Settlement Scheme ('EUSS') and Future Border and Immigration System Cohorts | Home Office EUSS and Future Border and Immigration System applications database. | Home Office to send NHS Digital demographic data and Home Office reference for persons who have been granted EUSS and NHS Digital will tag the matching PDS record with the Home Office reference. |
| Digital Status Checker Integration Point 2: European Union Settlement Scheme ('EUSS') and Future Border and | EEA cases that have been granted settled or pre-settled status by the Home Office under the EUSS, and Future Border and Immigration System cases | A Relevant Body would search for a patient and an Application Programme Interface ('API') call would be sent to the Digital Status Checker to return the |

| Data | Source | Process |
|---|--|--|
| Immigration System Cohorts | | <p>relevant immigration status information to the Relevant Body to help determine chargeable status.</p> <p>This data is not collected by NHS Digital as part of the process, although NHS Digital do process this data through an API call and display the results to Relevant Bodies.</p> |
| Bulk checking of chargeable status data held on the PDS | <p>MESH is an NHS Digital system that allows for bulk queries to be run against the PDS. By bulk querying all referrals, Relevant Bodies will be able to quickly establish which patients are most likely chargeable, and therefore direct limited resources more effectively.</p> | <p>Bulk query is sent to MESH by a Relevant Body and relevant data set to assist in determining chargeable status is returned to the Relevant Body for review.</p> <p>This data is not collected by NHS Digital as part of the process, although NHS Digital do process this data through an API call and display results to Relevant Bodies.</p> |
| Chargeable-status and charging information | <p>Relevant Bodies routinely collect information about a patient's chargeable status when patients attend Relevant Bodies.</p> | <p>Relevant Bodies collect information about a patient's chargeable status and add this to the PDS record.</p> |

Annex 2: Visitors and Migrants & Patient Charging Data Set

| Data Grouping | Data Item | Description | Format | Origin |
|---------------|------------------------|--|---|---|
| System | Organisation Id | Organisation Id of the user who created/last updated the entry | Alpha | System derived |
| System | Organisation | Organisation of the user who created/last updated the entry | Alpha | System derived |
| System | User ID | User Id of the user who created/last updated the entry | Alpha | System derived |
| System | User | Name of the user who created/last updated the entry | Alpha | System derived |
| System | Date Updated | Date and time that the entry was created/last updated on Spine | YYYYMMDDHHMMSS | System derived |
| Patient Data | Date Patient Seen | Date that the patient was seen | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| Patient Data | Country of Nationality | Country selected from country list | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| Patient Data | Purpose of Entry to UK | Selected from a list of options including 'Other' tbc but may include e.g. <ul style="list-style-type: none"> • Study • Work • Leisure • Intend to settle • Dependent • Visiting family • Other | Alpha 30 chars – store as code | User selected from list |

| Data Grouping | Data Item | Description | Format | Origin |
|---------------|--------------------------------|--|---|---|
| Patient Data | Other Purpose of Entry to UK | Free text entry only available if 'Other' selected above | Alphanumeric 30 chars | User entered |
| Patient Data | Date of Entry to UK | Date the patient entered the UK on this visit | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| Patient Data | Address | 4 lines of home country address | Alphanumeric 4 * 40 chars | User entered |
| Patient Data | Home Country Address - Country | Patient's home country | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| EHIC | EHIC PERSONAL ID NO. | Individual's Personal Id Number from EHIC | Alphanumeric 25 chars | User entered |
| EHIC | EHIC CARD NUMBER | Number of the patient's EHIC card | Alphanumeric 25 chars | User entered |
| EHIC | EHIC EXPIRY DATE | Date the EHIC card expires | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| EHIC | EHIC INSTITUTION ID | Institution Id on EHIC card | Alphanumeric 30 chars | User entered |
| EHIC | EHIC COUNTRY OF ISSUE | Country selected from country list | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| PRC | PRC Personal Id No. | Individual's Personal Id Number from PRC | Alphanumeric 25 chars | User entered |
| PRC | PRC EHIC Card Number | EHIC Card No. on PRC | Alphanumeric 25 chars | User entered |

| Data Grouping | Data Item | Description | Format | Origin |
|---------------|----------------------|--|---|---|
| PRC | PRC EHIC expiry date | EHIC expiry date on PRC | YYYYMMDD | User entered |
| PRC | PRC Institution Id | Institution Id on PRC | Alphanumeric 30 chars | User entered |
| PRC | PRC country of issue | Country selected from country list | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| PRC | PRC valid from date | <ul style="list-style-type: none"> Date the PRC is valid from | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| PRC | PRC valid to date | Date the PRC is valid to | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| S1 | S1 Status | Selected from a list of options e.g. <ul style="list-style-type: none"> None No S1, confirmed by patient S1 presented, not confirmed registered S1 confirmed registered by OHT | Alpha 40 chars – store as code | User selected from list |
| S2 | S2 country of issue | Country selected from country list | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| S2 | S2 valid from | Date the S2 is valid from | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| S2 | S2 valid to | Date the S2 is valid to | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| Passport | Passport Number | Number of the patient's Passport | Alphanumeric 25 chars | User entered |

| Data Grouping | Data Item | Description | Format | Origin |
|-------------------|---------------------------|--|--|---|
| Passport | Passport country of issue | Country selected from country list | Display Country Store country code from (3-char ISO 3166) | User selected from list |
| Passport | Passport expiry date | Date the Passport expires | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| HO Contact | HO E&E contacted | Indicator to state if the Home Office Evidence and Enquiries team were contacted | Y or N | User selected |
| HO Contact | HO E&E reference | If HO contacted, a reference for the call | Alphanumeric 25 chars | User entered |
| HO Contact | HO E&E contact date | If HO contacted, the date of the contact | YYYYMMDD | User entered (date control) DD/MM/YYYY |
| Chargeable Status | OVM Chargeable status | Chargeable status outcome selected by OVM from a coded list e.g. <ul style="list-style-type: none"> • None • Decision pending • Cat A: Standard NHS • Cat B: Surcharge Payee (or exempt) • Cat C: Charge exempt (EHIC/PRC/S2) • Cat D: Chargeable EEA • Cat E: Charge exempt overseas/non-EEA • Cat F: Chargeable overseas/non-EEA | Alpha 40 chars – store as code | User selected from list |