

NHSmail: Access to Data Policy

Giving access to NHSmail email data in the course of an official investigation

Published May 2017

Version 1

Contents

1.	Background and purpose of document	3
2.	Requesting an investigation request	3
3	Issuing an investigation request	4
4	Contact details	4

1. Background and purpose of document

In the course of some official investigations, NHS Trusts, Boards or other authorities will require access to NHSmail email data held in the name of one or more of their employees. Typically these requests form part of formal HR disciplinary investigations, investigations by or on behalf of the Police or the NHS Counter Fraud Service or other bodies such as these. Such requests are referred to throughout this document as 'investigation requests'.

To ensure that investigation requests are duly authorised and that disclosure is made only to the appropriate authorities and in the appropriate manner, this document sets out the policies and procedures for actioning requests.

2. Requesting an investigation request

Requests must adhere to the following guidance:

- 2.1 NHS Digital or National Services Scotland (NSS) will only accept investigation requests from the Chief Executive or HR Director of an NHS Trust or Health Board; the Managing Director of a Commissioning Support Unit; the Accountable Officer of a Clinical Commissioning Group (and the GP practices in its designated geographical area); or the Area Team Director of an Area Team. Even if the request emanates from an external body (.e.g. Police) the Health and Social Care organisation responsible for the individual/s under investigation must authorise the request and pass it to NHS Digital or NSS. In exceptionally rare cases Police and Security Services may need to request access to data without the Organisation's consent. In such cases, these are considered by NHS Digital under the legal basis the data is being requested by. There may also be instances where NHS Protect, under statute, may make requests directly to NHS Digital via a DPA section 29a for access to information which provides authority to proceed without recourse to the subject's Trust CEO.
- 2.2 Investigation requests must be in writing or email and sent to the NHSmail Programme Head or nominated deputy for authorisation to proceed (see section 4 for details). The communication must include the explicit permission of the requesting organisation's officers as noted in [2.1]
- 2.3 Health and Social Care organisations must take steps to ensure that if the information to be returned to the investigation contains, or is likely to contain, patient data that this information is handled appropriately, maintaining patient confidentiality at all times
- 2.4 In addition to the above, the request must contain the following detail:
 - 2.4.1 The full name of the individual/s and/or their NHSmail account email address or the Shared mailbox name as well as the full name of the organisation owning the mailbox.
 - 2.4.2 What information is required - the following types of information can be provided:
 - **Journal 180 day full content** – for a stated NHSmail mail account. The 180 day period begins from when the supplier instigates the request. This includes the full basic message conversation; any email attachments and any Instant Messenger content. It does not include screen shares, presentations in meetings, voice, video etc.

- **Journal 24 months of summary data** – This includes the message summary only (from address, recipient address(es), date/time and is provided in an excel spreadsheet format.
- **Mailbox snapshot** – a dummy mailbox is provided to allow the requestor a full copy of the User’s mailbox at the time of the request being processed. This type of request is supported where an Organisation needs to ensure they have full capture of all available data within a User’s account.
- **Other requests** may be possible.

Please note:

- as the service keeps copies of all email traffic over the past 180 days – including deleted emails - all information returned will include details of any emails which the user has deleted
- it is not possible to request the “Journal 180 day full content” information for email accounts that send high volumes e.g. accounts that might be used to send via an application and send thousands of emails per day. It is still possible however to request the 24 months of summary data for these high sending accounts.

3 Issuing an investigation request

3.1 Once a correctly formed request has been received, the NHS Digital / NSS NHSmail teams will pass this to the service provider. Please note, although the service provider will action such requests expeditiously, no service level is associated with investigation requests. The NHS Digital / NSS NHSmail teams and service provider will handle all requests on a ‘first come, first served’ basis and, depending on the number of requests being processed, typically take between 5-10 working days. Data being retrieved from the legacy NHSmail service may take longer. No attempt will be made to prioritise requests.

3.2 Once the service provider has completed the investigation, the information will be provided to the requestor in one of the following ways:

- In an NHSmail account, available only to the requestor, containing the investigation information
- A file, sent by way of an attachment, via NHSmail to the requestor’s NHSmail account
- Distribution method will depend on the type and amount of material requested

3.3 Please note that under no circumstances will investigation material be sent via internal or external postal services or in any ‘hard copy’ format.

3.4 Please note that neither the NHS Digital / NSS NHSmail teams nor the service provider will attempt any data analysis on the investigation results other than the assurance that the data returned meets, to the best of its knowledge, the search criteria

4 Contact details

Please address all requests, via email in the first instance, to the NHSmail Programme team at feedback@nhs.net for England and nhsmail.scotland@nhs.net for Scotland. The NHSmail Programme Head or nominated deputy will be sent your request to authorise as appropriate.