



Type 2 opt-outs replaced by the national data opt-out

Type 2 opt-outs have been replaced by the national data opt-out so practices must no longer use the type 2 opt-out code to record a patient's opt-out choice as it is no longer collected and processed.

Type 2 opt-outs were previously managed by the patient's practice making a coded entry in the patient record at the practice. They were collected by NHS Digital so that they would know not to share confidential patient information for research and planning. Type 2 opt-outs recorded on or before 11 October 2018 were converted to national data opt-outs.

Please note:

Type 2 opt outs must not be recorded by practices, even if the code still remains on your clinical systems (it is taking some time for the clinical system suppliers to update the systems)

You should signpost patients to the 'your data matters' website and the LMC guidance on the national data opt-out.

Make sure you highlight the data protection risk to all practice staff that if a type 2 opt out has been recorded on the practice's system in error after 11 October last year then it won't be automatically converted and the practice will need to contact the patient and signpost them to the 'your data matters' website. If a patient later learns that their opt out has not been applied they may raise a complaint.

NHS Digital recommend that practices conduct a weekly/monthly search on their clinical system to identify any new type 2 objection code entries since 11 October 2018. If any patients are identified from the search they must:

Contact the patient to explain the type 2 objection was set in error and it will not be processed.

Advise patients that instead of setting a type 2 objection they can go to the 'your data matters' website where they can find out more about data sharing and set a national data opt-out.

Advise patients that there is also information for patients about the national data opt-out in the practice.

NHS Digital have also produced resources for practices to share with patients if they have any questions. The Royal College of General Practitioners has published a Patient Data Choices toolkit for GPs and practice staff, and training materials in their RCGP e-learning module.