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Dear Colleague,

Who Pays? Information Governance Advice on Invoice Validation

Invoice validation is an essential procedure in the management of health and social care services. The process ensures that providers are reimbursed correctly for the care and treatment they have delivered to patients. It involves checking that the correct patient received the treatment as specified and that the right commissioner has been identified.

Because clinical commissioning groups (CCGs) do not have explicit statutory powers to process personal confidential data (PCD), they must ensure that they have a secure legal basis for each purpose for which they wish to use such data. We are therefore pleased to report that the Secretary of State for Health has approved NHS England's application for support under Regulation 5 of the Health Service (Control of Patient Information) Regulations 2002, known as "Section 251 support". This support allows CCGs and commissioning support units (CSUs) to process PCD when required for invoice validation purposes.

The approval is subject to a set of conditions so we are issuing advice today that explains these conditions and sets out the actions that CCGs, CSUs, and providers must now take in order to ensure that they are acting lawfully. It is important to note that the Section 251 support for invoice validation only lasts until 31 October 2014. Therefore, as well as implementing our advice for the short term, CCGs, CSUs and providers should also be working on their medium term plans to minimise their use of PCD for invoice validation and to find a secure legal basis where it is necessary to use such data.

NHS England has established an information governance task force to support commissioning organisations and providers with their medium term plans. It will be essential for all parts of the health service to work together to develop and implement these solutions.

Please could I encourage you and your colleagues to read our monthly information governance bulletin, which provides updates on the work of the task force (see <http://www.england.nhs.uk/ourwork/tsd/data-info/ig/ig-bull/>). Do please also let us know about any examples of good practice that you would like us to share via the bulletin.

Yours faithfully,

**Geraint Lewis**
Chief Data Officer