

From the Earl Howe  
Parliamentary Under Secretary of State for Quality (Lords)



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*Dear Mr. Frankel,*

Thank you for your letter of 6 September to Andrew Lansley about our proposals for the modernisation of the NHS. I am replying as the Minister responsible for this policy area.

The Government is committed to ensuring that access to data will not be curtailed by the Health and Social Care Bill. The Bill contains provisions for setting clear information standards across the health and adult social care sector and giving the NHS Information Centre clearer powers to make information from across this sector more open and transparent.

As you are aware, the Bill amends the Freedom of Information Act (FOIA) so that it applies to the NHS Commissioning Board and clinical commissioning groups. This ensures that, as now, all NHS organisations will be subject to its provisions. In addition, the NHS standard contract requires providers of NHS services both to acknowledge that requirement on NHS organisations and to assist in providing the type of information that would be required under the FOIA. Furthermore, for the first time, the Bill exposes private sector providers of NHS-funded services to the scrutiny of local councils. I hope you will therefore be assured that NHS services will still be subject to full public scrutiny.

I understand that the Ministry of Justice, which is the Government Department with responsibility for the FOIA, announced earlier this year that the FOIA will be subject to post-legislative scrutiny during which its effectiveness will be

assessed by Parliament. This process, along with the Cabinet Office's open data consultation, will provide the Government with the ability to take a rounded look at the issues raised in your letter. Where possible, we will push to ensure that where functions are transferring to other bodies, the coverage of FOIA is maintained.

I hope this reply is helpful.

*Yours sincerely,  
Earl Howe*

**EARL HOWE**