



Information Commissioner's Office

The NHS Constitution and Whistleblowing

- A paper for consultation

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to respond to this consultation. In the response we shall focus on issues that have transparency, data protection and privacy implications.

Consultation questions

Q8 – Previous questions have asked about specific changes to the Constitution. Is there anything else you would like to add about these changes, in particular in relation to their impact?

As part of these changes we think staff should be provided with a clear privacy notice setting out how their personal information will be handled in whistleblowing situations. Such a notice can only strengthen any whistleblowing system by giving individuals confidence about how information identifying them as a whistleblower will be treated. The Information Commissioner's [Privacy Notices Code of Practice](#) provides advice on how to draw up such notices.

We do not have any further comments to make about this consultation.