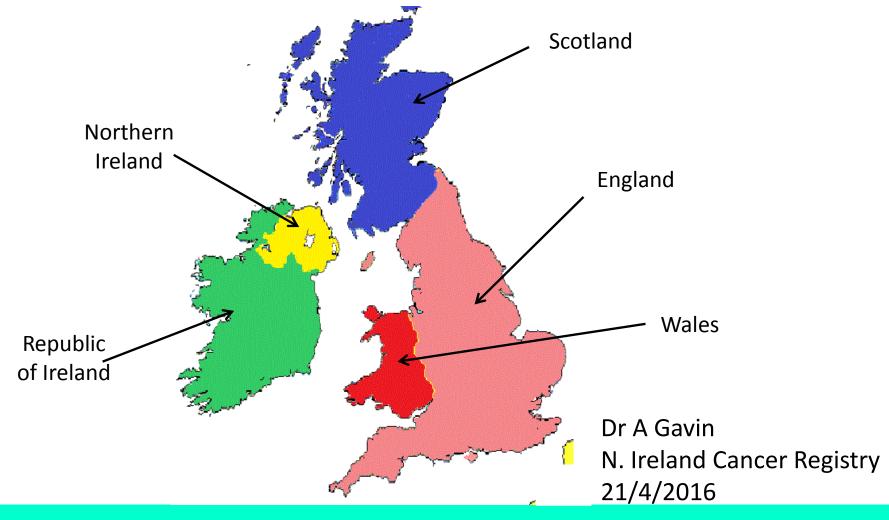
The Devolved Nations, Ireland & England – Contrasting Approaches to Patient Consent





Email: nicr@qub.ac.uk Tel: +44

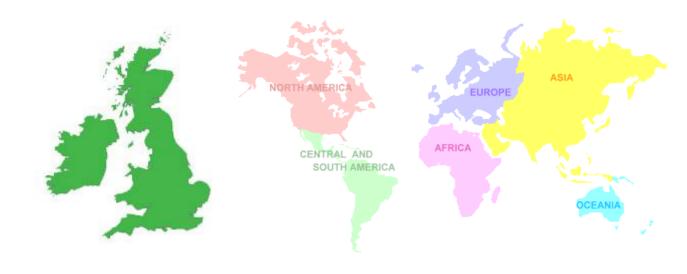
Tel: +44 (0)28 9097 6028 Website: www.qub.ac.uk/nicr

Cancer Registries

Cancer Registries collect and analyse data relating to cancers diagnosed in population delivering timely, comparable and high quality data.

*Follow international guidelines for coding

500+ Cancer Registries
Internationally
4 in the UK
England, Wales,
Scotland &
N. Ireland



Patients Consent to Treatment/Intervention



- Consent important part medical ethics & International law
- To be valid consent must be <u>voluntary</u> and <u>informed</u>
 (i.e. benefits & risks)
- The person must be <u>capable</u> of giving consent
- May be oral or written, usually written for interventions

Consent Not Necessary

Clinically

- Emergency treatment
- Severe mental health conditions
- Additional procedure required during surgery





Patient Consent – personal information

- In context
 - –Cancer Registration
 - -Audit
 - —Research Studies- routine datasets
 - Research Studies contacting patients or relatives

Today – we will consider

- What is personal health information;
- Why personal health information is needed, collected and held;
- What this information is used for, who it is shared with and why;
- What your rights are
- Highlighting similarities and differences between Scotland, Wales. N. Ireland, England and Ireland focusing on cancer data

What is personal health information?

- It is information that identifies you or me. It includes things like:
- name, address, date of birth and postcode;
- information about any care and treatment received and results of tests; and
- information about your health and lifestyle
- Health records can be written on paper or held on a computer
- Used for our health, service functions, population health

MY DATA and PRIVACY

The right to <u>privacy</u> is a highly developed area of law in Europe. All the member states of the <u>European Union</u> (EU) are also signatories of the <u>European Convention on Human Rights</u> (ECHR). Article 8 of the ECHR provides a right to respect for one's "private and family life, his home and his correspondence

OECD' seven principles governing protection of personal data

- Notice—data subjects should be given notice when their data is being collected;
- Purpose—data should only be used for the purpose stated and not for any other purposes;
- Consent—data should not be disclosed without the data subject's consent;
- Security—collected data should be kept secure from any potential abuses;
- Disclosure—data subjects should be informed as to who is collecting their data;
- Access—data subjects should be allowed to access their data and make corrections to any inaccurate data; and
- Accountability—data subjects should have a method available to them to hold data collectors accountable for not following the above principles
- (OECD)Organisation for Economic Co-operation and Development

Europe - Data Protection Directive

- The **Data Protection Directive** 1995 (officially Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data) which regulates the processing of personal data within the European Union. It is an important component of EU privacy and human rights law.
- On 25 January 2012, the European Commission unveiled a draft European <u>General Data Protection</u> <u>Regulation</u> that will supersede the Data Protection Directive- concerns re implications for cancer surveillance

Consent

"any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed."

EC Directive 95/46/EC

The Data Protection Act 1998

Governs the use of personal information and gives you and me:

- the right to know how our personal health information is used.
- the right to object to use of this information. We can ask for the way information is used to be changed or restricted
- the right to access any personal information that may beheld on us and
- If you think any of the information held is inaccurate, incomplete or out of date, we can ask to have this information amended.

Satisfying the DPA 98

- General awareness of uses of personal health data
- Good reasons for not obtaining consent
- Necessary for a legitimate "medical" purpose
- Data controller should be a medical practitioner or owe an equivalent duty of confidence to the data subject

Satisfying the common law duty of confidentiality

Personal data should only be disclosed

- with consent
- where the law requires it
- if it is in the public interest to do so

Cancer Registration

- Recognised as Integral for Cancer control
- Follow Guidelines from
 - Int Union Against Cancer UICC
 - Int Agency for Research on Cancer IARC
 - Int Assn of Cancer Registry IACR
 - World Health Organisation WHO
 - UK and Ireland Association of Cancer Registration

Personal data required for monitoring health including cancer

- Having this information means that the NHS can:
- look at how safe and effective a treatment is;
- check that the NHS is providing a good service and spending public money properly;
- plan how many beds, clinics and staff are needed;
- monitor particular illnesses or diseases;
- carry out public health or clinical research

Using identifiable data in the public interest for health Risk and benefit

Potential cost to individuals

- Some loss of autonomy
- Low risk of breach of confidentiality, and harm

Benefit to individuals and society

- Information on causes of disease prevention
- Public health surveillance protection
- Understanding outcomes recurrence, survival

Registers need identifiable data

To avoid double-counting



- To link cases over time follow up eg survival
- For validation
- To link to other databases to better understand patterns eg effect of comorbidity on outcomes
- Cancer Registry
 - Genetic Advice Service
 - Recall exercises patient safety
 - Research

- Informed consent is the fundamental principle governing the use of patient identifiable information within health or social/community care research. It is recognised that there are situations where
- informed consent cannot be obtained.
- not possible to use anonymised information
 - -> Section 251 England and Wales,

England and Wales - section 251

 Section 60 of the Health and Social Care Act 2001 -> Section 251 of the NHS Act 2006

England and Wales - section 251

- Section 60 of the Health and Social Care Act 2001 -> Section 251
 of the NHS Act 2006
- allows Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes
- where not possible to use anonymised information and where seeking consent was not practical, having regard to the cost and technology available.

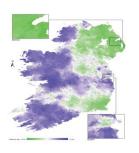
England and Wales - section 251

- Section 60 of the Health and Social Care Act 2001 -> Section 251
 of the NHS Act 2006
- allows Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes
- where not possible to use anonymised information and where seeking consent was not practical, having regard to the cost and technology available.
- The Regulations that enable this power = Health Service (Control of Patient Information) Regulations 2002.
- The HRA responsibility for Section 251 since 2013, established the Confidentiality Advisory Group (CAG) function



Safeguards in Scotland

 Information services division (ISD) take advice now from the NHS National Services Scotland Public Benefit Privacy Panel on sharing information, which includes patients and doctors. This group helps ISD to make sure they protect personal information and meet their legal obligations of data protection and confidentiality.



Republic of Ireland

- Data protection ROI insist that patients give consent if the information is to be used for audit or research - even when these are patients of the doctor who is making the request
- Exception is where the doctor/hospital already has a registry or database which patients are aware of (i.e. that they have implicitly consented to the use of their data in research or audit). This rarely happens.
- they may be invited to complete a questionnaire and sign their consent on the form

Health and Social Care (Control of Data
 Processing) Bill –Royal Assent on 11 April 2016

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- provides framework to enable use of health and social care information for health and social care purposes which are in the public interest

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- details will be in subordinate legislation.
- Regulations to be drafted and consulted upon before being scrutinised and debated by the NI Assembly - practical aspects 1 – 2 years

Why not informed consent for public health research?

- Representativity & generalization
 - Avoid bias selective loss
- Solid conclusions
 - Need for power and statistical strength
- Completeness
 - Few cases may determine risk
 - Loss in linkage may bias results
- All population
 - Disproportionate effort



Impact Of Requiring Consent N. Ireland Cerebral Palsy (CP) Population Based Registry

- Number smaller than cancer approx. 70 per year
- Numerous contacts with services
- When consent required 40% preliminary notifications remained unconfirmed
- Not parental refusal (2%) but professional involvement
- Outcome :Poor data quality meant removal from Multicentre Study - Does artificial reproduction increase risk CP



How is information kept secure?

- All ISD staff have a legal and contractual duty to keep personal information secure and confidential;
- ISD employs an individual known as a 'Caldicott Guardian' whose job is to make sure that information is handled properly;
- Access to personal health information can only be given with special authorisation, and use of that information is closely monitored by ISD;
- There are strict rules within ISD that govern how information should be managed e.g. to make sure names, addresses and any other information that might identify an individual are removed wherever possible.

Registry Security — only few staff have access to clinical data — separation of analysts for data staff

Physical

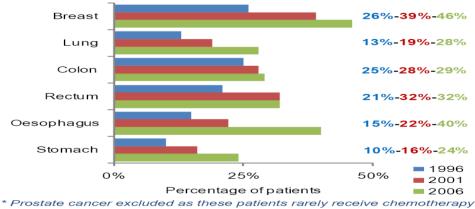
- VideoSurveillance
- Locks/alarms
- Badges for visitors
- Clear desk
- Shredding

Electronic

- > Passwords
- > Fingerprint
- > Audit trails
- > Encryption
- Secure data transfer eg nhs.net
- Phones, email, letters, fax
- > ISO27001

Levels of data

Routine statistics

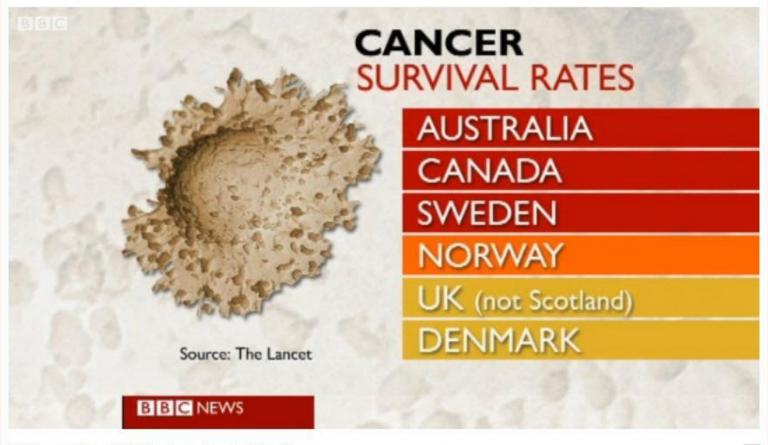


 Potentially identifiable eg NHS number used for linkages/ small numbers

Patient identifiable

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Cancer survival rates in UK lagging behind, study finds

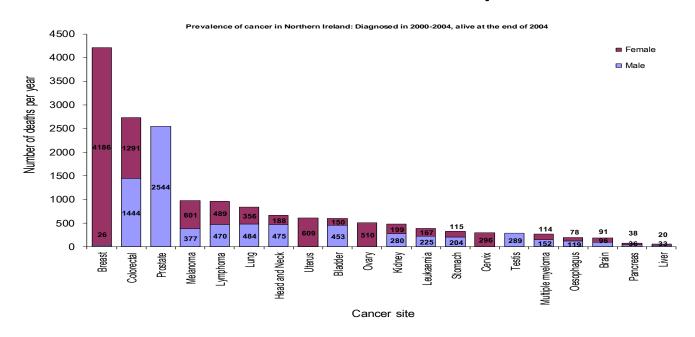


The scientific contribution of cancer registries

	Evidence of causality	Evidence of preventive activity	Availability of exposure indicators	Precancerous lesions	Decrease in incidence	Decrease in mortality
Tobacco smoking	YES	YES	YES	NO	YES	YES
Alcohol consumption	YES	YES	YES	YES/NO	YES	YES
HPV causality/ vaccinations	YES	YES	YES	YES	NOT YET	NOT YET
HBV causality/ vaccinations	YES	YES	YES	NO	NOT YET	NOT YET
Asbestos	YES	YES	YES	NO	NOT YET (Expected i	NOT YET n a short)

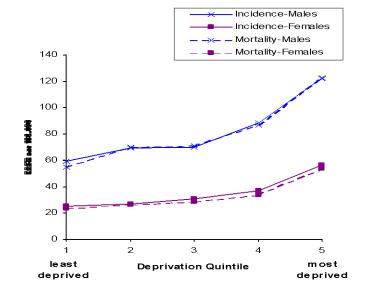
Routine Registry Data

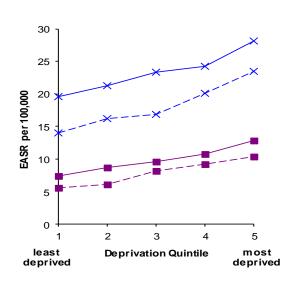
- Requires accurate counting of cases without duplication.
- Provides information on trends, prevalence,



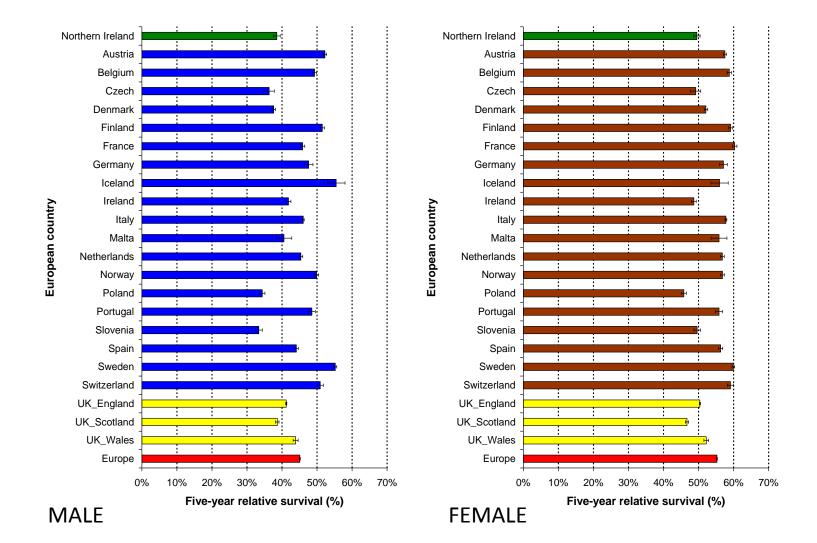
Routine Registry Data

- Requires accurate counting of cases without duplication.
- Provides information on trends, prevalence, socioeconomic differences, (lung/ stomach)



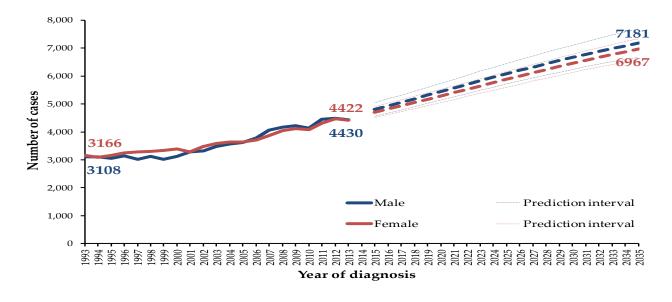


Eurocare-IV results — All Cancers



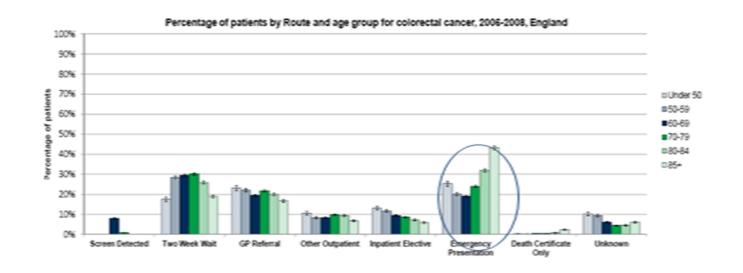
Routine Registry Data

- Requires accurate counting of cases without duplication.
- Provides information on trends, 66% increase predicted by 2035

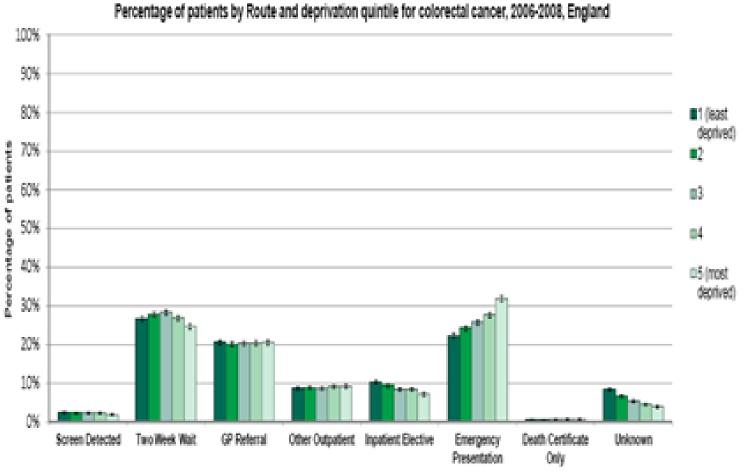


Routine Registry Data -

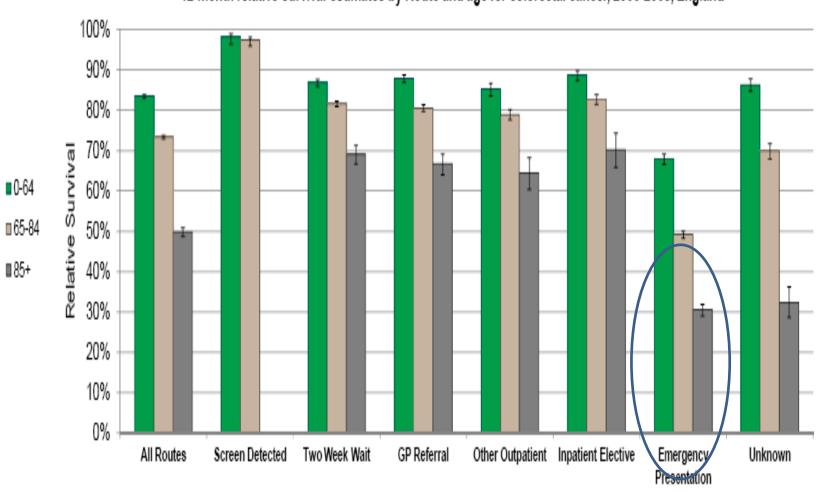
- Requires accurate counting of cases without duplication.
- Provides information on trends, prevalence, socioeconomic differences, outcomes by routes to diagnosis
 739,667 records merged from various sources then anonymised



Barrantana of patients by Bayta and description equally for colonists expens 9000 0000 England



12-month relative survival estimates by Route and age for colorectal cancer, 2006-2008, England

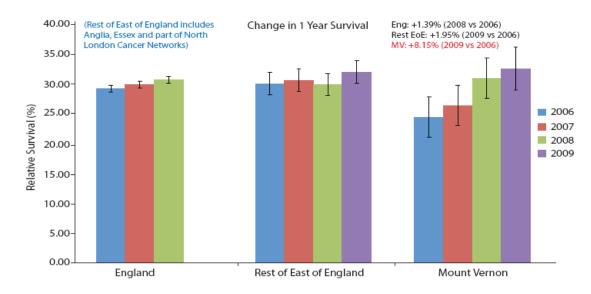


What clinicians want from data

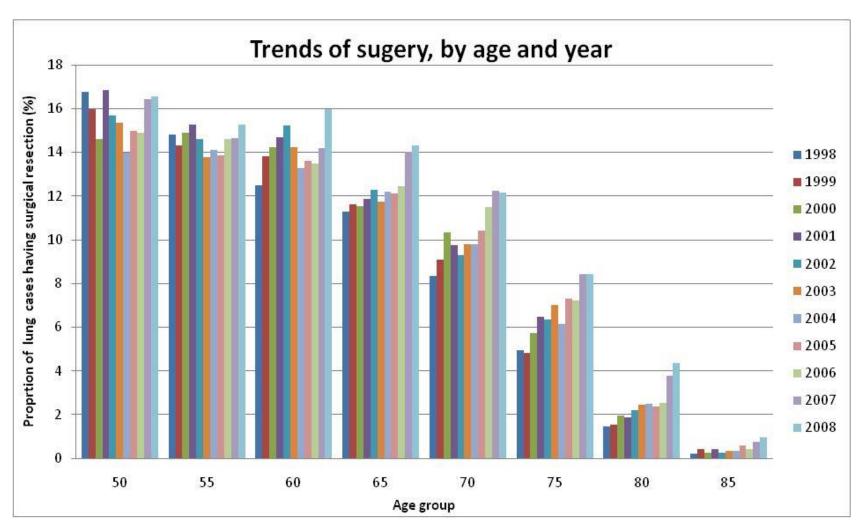
- To support the answering of clinically relevant questions
- Clinically credible though they have to take responsibility
- Ownership
- Timeliness
- Case-mix adjustment
- Reported 'proportionally' and with their knowledge
- Ongoing engagement with those that report data

Audits

- LUCADA for lung cancer- personal data matched then anonymised for analysis
- In lung cancer there was clear evidence of clinical behaviour change _ Mount Vernon



Lung resection rate: trend by age



Source: Riaz et al; 2011;

Major Surgical Resections England, 2004-6

Older cancer patients 'denied surgery'

Bias helps to explain low survival rates

Sam Lister Health Editor

Thousands of cancer patients are being denied potentially life-saving surgery because of a cultural reluctance to rs in the middle-aged and elderly, an official study suggests.

The first research to track rates of

cancer surgery around the country shows that the likel hood of patients having operations falls off markedly as they get older.

inicians leading the study, to be oublished shortly but which has been seen by The Times, described the finding as a "striking indicator" of why England's cancer survival rates are poor by international standards.

The research, carried out by the

The research, carried out by the National Cancer Intelligence Network (NCIN) set up by the Department of Health in 2008, suggests that a combination of poor access to specialist surgical opinion and a teadency within parts of the NHS to consider older patients as inappropriate for surgery

are the main factors
Mick Peake, who is based at Glenfield Hospital, Leicester, and led the study, said that, while it was not surpris-ing that smaller numbers of the most eiderly were undergoing surgery, the decline in rates among the middle-aged was particularly worrying. Surgery remains the treatment with greatest impact on long-term survival

most types of cancer.

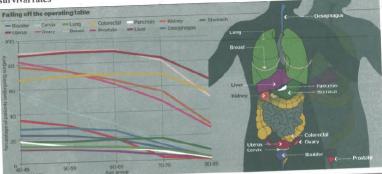
Dr Peake said that while some NHS teams worked well, and referred to specialist centres when their expertis was not sufficient, others were making critical decisions without such consider-ations. "There are clearly places where ations. "There are clearly places where the teams are just looking at the patients and saying 'no'," he said. "They sit there like in the arena in the Colosseum and it's thumbs up or thumbs down.

Dr Peake said that a decision taken without referral orly needed to happen in 15 per cent of cases for there to be real trouble. He added that there were places "where I wouldn't send my cat" because they did not offer the same level of expertise as others.

The study shows that surgery rates The study shows that surgery rates vary greatly, from 50 per cent of uterine and breast cancer patients to just 6 per cent of those with liver cancer. The proportion of patients undergoing surgery, dropped for all cancers with oge, but in many cancers this started from patients

in their late forties. in their late forties.

For cervical cancer, 58 per cent of patients in their forties had surgery, compared with 42 per cent in their fifties. By the eighties age group, this was down to 10 per cent. Other cancers, such as ovarm and kidney, showed similar drops. The data; which covers operations





between 2004 and 2006, with followup in 2007, might not reflect recent improvements. Dr Peake said, but the

improvements. In Feate stand, white the shell for the situation today. While 9 per cent of patients with lung cancer had surgery, the rate is about 20 per cent in many parts of the world. Dr Peake, a lung specialist, said that England's rate had increased to about 13 per cent now but at least 1,500 lives a year could be saved by carrying out more operations, with a similar number saved by earlier diagnosis. He added that similar estimates would

added that similar estimates would likely applyto many other cancers. "We know that internationally our biggest gap in terms of survival is in the elderly," he said. "While you might argue that your resources could be better spent on younger age groups, if Detter spent on younger age groups, if you can give a seventysomething-yeer-joid ten or fatteen years of active life, you should certainly offer it to them.³ Ciarán Devane, of Macmillan Cancer Support, said the study "provides us with a good starting point to ensure every cancer saint east the ensure every cancer patient gets the best access to surgery" She added: "We now want the cancer networks to do more work within their areas to find

out why there are variations." Paul Burstow, the Care Services Min-ister, said that the Government's new cancer strategy, which aims to save 5,000 more lives a year by 2014, "will notbe achieved unless the NHS tackles inappropriate variations in surgical intervention rates for cancer patien's".

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Beyond repair: how your age is a factor in the treatment of cancer

There are widespread inconsistencies over the decision to operate, a national audit found. Sam Lister reports

is refreshingly honest about episodes in his was based at a district general hospital in Yorkshire he saw cancer patients who, he thought, could not be referred for surgery. The tumours were too complex or the patient too compromised by other health problems. Sometimes it might even have been that they were Years later and now at Glenfield

Hospital in Leicester, the veil has lifted.
"I thought I knew, but now that I am in
a big specialist centre I can see," Dr Peake says. "I know that there were patients I didn't refer on because I thought you couldn't operate on that sort of thing. But you can."

Understanding what others perceive can and can't be done in cancer has become something of a mission for Dr Peake. As clinical lead of the National Cancer Intelligence Network, he runs a groundbreaking research programme analysing patient data collected from hospitals and cancerregistries throughout England, showing how people are treated for different problems. The variations are stark, signalling the incon-sistencies in care that hold the key to why the country struggles with cancer. And no more so than when it comes to

When the results came through for the first national audit of surgical resec-tions for cancer, seen by The Times and to be published shortly, several trends became clear. Patients could have the same complaint, such as bowel or ovari an cancer and have dramatically differan cancer, and havedramatically different chances of surgery depending on where they were treated. It could vary widely between types of tumour and, most noticeably, it also appeared to be heavily dependent on the

heavily dependent on patient's age. "When I first saw these statistics, it was the single fact that struck me nost," Dr Peake observes. "The relative-ly young age at which the rates of surgery start to drop is drama tic It is much earlier than yo

Mick Peake is clinical lead of the National Cancer



ents have different chances of surgery for cancer depending on where they are treated, the national audit has found

would expect." For the 13 key cancer analysis, the proportion of patients undergoing surgery decreased signifi-cantly as they got older—down to less than 2 per cent for half of these cancers than 2 per cent for half of these cancers in the over 80s. Yet his was not an issue simply for the very old, when other diseases and physical frailty play a greater part in decisions about sur-gery. The drop appears to be starting forthose in their 50s.

Dr Peake believes that this reflects a with how it is structured — that contrib-ute to England's poor survival rates and thousands of potentially avoidable deaths every year. Surgery is the treat ment that has the greatest impact on long-term survival in most types of cancer. It can also significantly improve symptoms, even in situations where life expectancy is not great. And yet some doctors in some places seem to view it as a no-go area.

"I have seen people in meetings standup and say: "My patients are all older, they are all sicker, they all come in having had a heart attack in the outpatients depart ment'. There are always those excuses. There's an attitude out there," he says. The culture is one that

applies to patients who may not question there fate and take the line of "I've

Teamwork team, is crucial for proper surgical assessment, and includes a physician, surgeon, anaesthetist

radiologis's and nursing staff can affect the decision making – for instance apoor radiologist may over interpret imaging of the tumour, and

carry out a surgical operatio vith a specialist "hub" to advise

dad lived to 70", Dr Peake accepts. But seeing people without the background expertise on the possibilities and potential for surgery. A significant part of the problem lies with poor access to specialist surgical teams, he says.
"There are some places I wouldn't
want a member of my family anywhere pear. There are some where I wouldn't

send my cat."

While Dr Peake emphasises that there are not definitive "rights" or wrongs' when examining the data - Thousands of elderly further analysis may reasons for low rates in areas, such as better ac

questions about why standards and approaches fluctuate so much. He adds that the statistics from 2004 and 2006, with patient follow-up in 2007, may be slightly behind improvements in some areas but the key conclusions

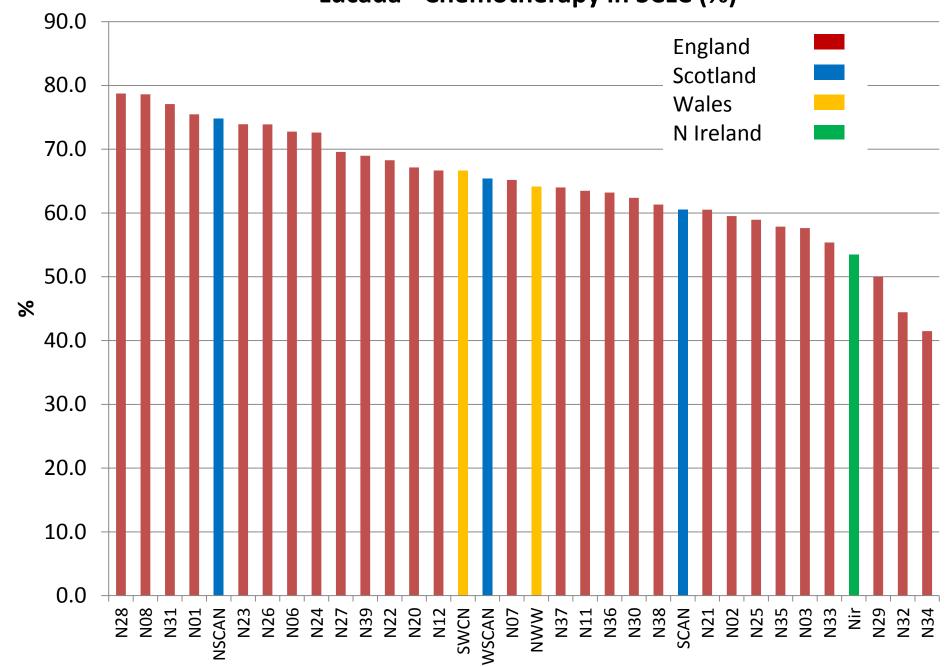
Late diagnosis, which leaves some Late diagnosis, which leaves some patients with tumours too advanced to tackle with a scalpel, remains a very important piece of the jigsaw. But the less widely acknowledged problem is realismt, geferned to hasie district compeal hospitals around the country which, as Dr Peake experienced in Yorkshire, do not get the experi insights. Whether a neticet come from downed from the control of the c a patient came from a deprived commu nity or not seems to have surprisingly little influence. For Dr Peake and his team, the new

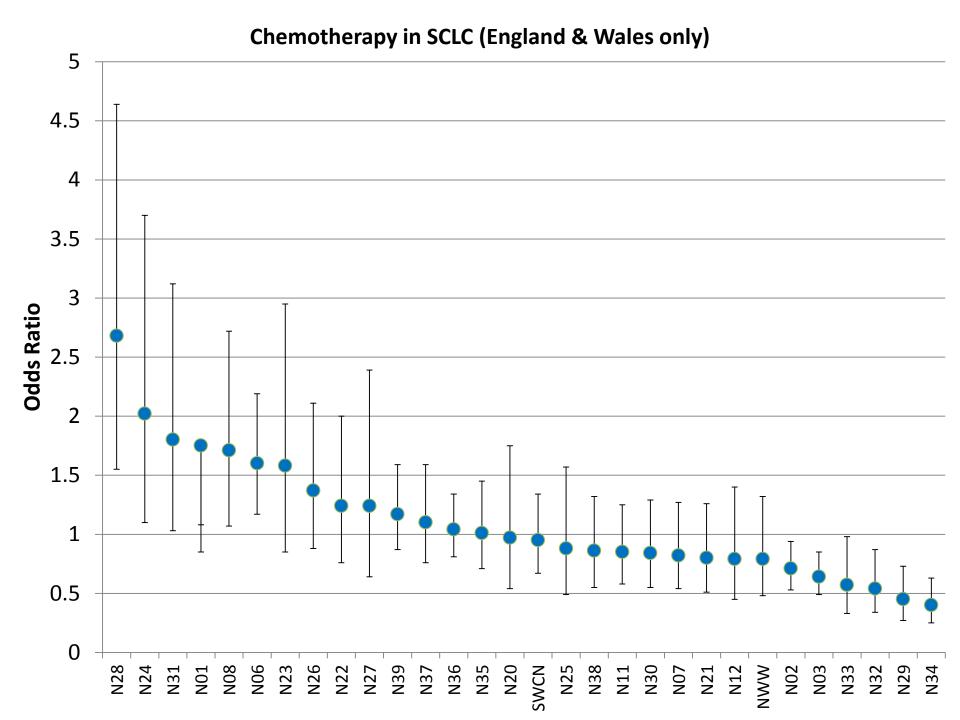
data is a "treasure trove" that can plighten and empower patients and

ers to account. This research should make every network and NHS rust, every profes-sional body that russ these specialties, look at their own data. They should want to really see what it means, to explain these variations and explore what we need to do to encourage best practice," he says.

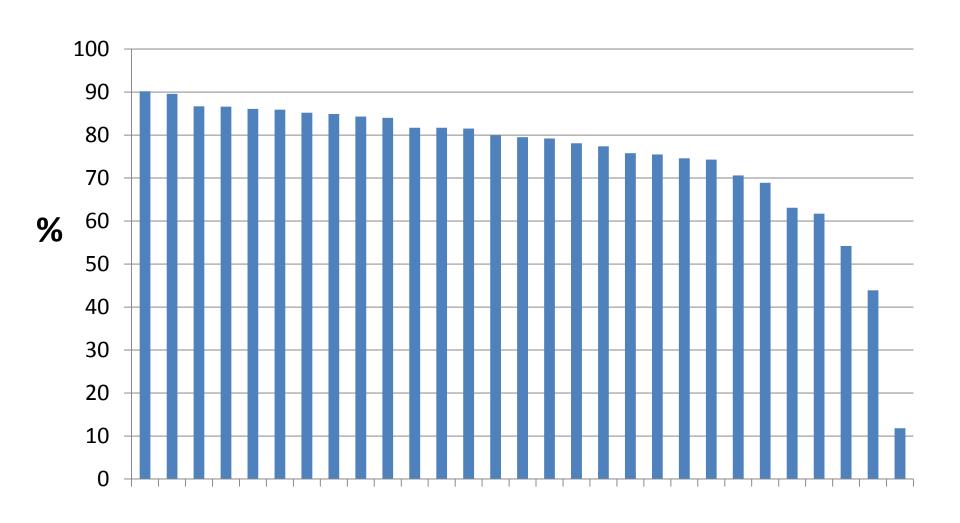
March 2011

Lucada - Chemotherapy in SCLC (%)





Proportion of patients seen by Clinical Nurse Specialist by Cancer Network 2010 (%, E & W)



Life after a cancer diagnosis is different nowadays- but what is it really like?







Research contacting Patients

- Registries do not contact cancer patients or their relatives directly
- For ethically approved studies they work via the clinical team which taking account of patients health etc may or may not contact patients
- With multiple death checks to ensure only contacting live people

Will anyone contact me?

No one from the cancer registry will contact you. We sometimes release information to approved cancer researchers under strict conditions. For most cancer research, patients do not need to be contacted, but in some cases they do. If researchers need to contact you, they will only ever do this with the approval of your own doctor.



Yes, you can object and this will not affect the care you receive. However, in order to work properly, the registration system needs to know about everyone with cancer.

Information about your illness will help care teams to learn how best to treat cancer, make sure they provide the best care, and help to find out the causes of cancer. If you are concerned about your details being registered or any other issues in this leaflet, please talk to your doctor about this.



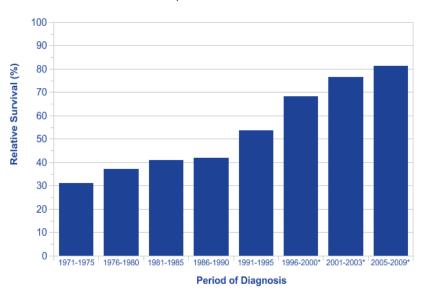
Prostate Cancer- most common cancer in males

- The number of newly diagnosed prostate cancer cases has more than doubled over the past 20 years
- The number of Prostate cancer survivors is growing steadily

European age-standardised incidence rates, prostate cancer, Great Britain, 1975-2011

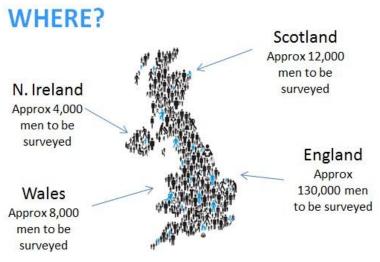


5-year age-standardised relative survival, prostate cancer, Great Britain, 1971-2009



Research

Prostate PROMS UK wide (2014-2017)





- similar work in the Republic of Ireland and Australia and
- the National Prostate Cancer Audit in England and Wales www.npca.org.uk



The route for consent after peer review for scientific quality, funding and Ethics – patient involvement++

- England- section 251, Confidentiality advisory Group, R&D approvals, Agreement from 111 separate Trusts (85%) for study and MDT leads to contact patients
- Scotland Dept Health sponsorship, Public Benefit Privacy Panel, R&D each of 14 Health Boards- Method, matching of hospital records with Cancer registry to confirm diagnosis, send out on clinical headed paper,

The route for consent after peer review for funding and Ethics – patient involvement++

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The route for consent after peer review for funding and Ethics – patient involvement++

- England- section 251, Confidentiality advisory Group (CAG), R&D approvals, Agreement from 111 separate Trusts (85%) for study and for letters to be sent from MDT leads to contact patients
- Scotland Dept Health sponsorship, Public Benefit Privacy Panel, R&D each of 14 Health Boards- Method, matching of hospital records with Cancer registry to confirm diagnosis, invites to patients send out on clinical headed paper.
- Wales section 251, R&D approvals from 7 Health Boards,
 CAG approvals, letters to patients from MDT leads
- N. Ireland Health Trusts R&D, MDT leads inviting men to survey, nurses doing final checks re patient suitability. registry not sending names to Survey provider but postage from NICR as registry already know of men with prostate cancer

OECD' seven principles governing protection of personal data

- Notice—data subjects should be given notice when their data is being collected;
- Purpose—data should only be used for the purpose stated and not for any other purposes;
- Consent—data should not be disclosed without the data subject's consent;
- Security—collected data should be kept secure from any potential abuses;
- Disclosure—data subjects should be informed as to who is collecting their data;
- Access—data subjects should be allowed to access their data and make corrections to any inaccurate data; and
- Accountability—data subjects should have a method available to them to hold data collectors accountable for not following the above principles
- (OECD)Organisation for Economic Co-operation and Development

About Cancer Registrationinforming patients leaflets



About Cancer Registration

Do I have a choice?

Yes, you do have the right to opt-out and this will not affect the care you receive.

However, in order to work properly, the registration system needs to know about everyone with cancer.

Your details help care teams to learn how best to treat cancer, make sure they provide the best care and help to find out the causes of cancer.

If you are concerned about your details being registered or any other issues in this leaflet, please discuss this with your Doctor or write to us at the National Cancer Registry in Wales:

E mail:

WCISU.enquires@Wales.nhs.uk

Post:

Director
Welsh Cancer Intelligence & Surveillance Unit
16, Cathedral Road
Cardiff
CF11 9LJ

Where can I get more information?

If you have any questions, you can get more information by:

- Asking your Doctor
- Visiting the national cancer registry for Wales website at www.WCISU.Wales.nhs.uk

 Visiting The United Kingdom and Ireland Association of Cancer Registries (UKIACR) website at www.ukacr.org

If you are a child with cancer or the parent of a child with cancer, you can get further information by visiting the Children's Cancer and Leukaemia Group's website at www.cclg.org.uk

This leaflet was adapted for use in Wales from the NHS "About cancer registration" leaflet which received the following awards:





Further copies of this leaflet can be downloaded from the Welsh Cancer Intelligence & Surveillance Unit website. www.WCISU.Wales.nhs.uk





About Cancer Registration
A leaflet for patients

ABOUT CANCER REGISTRATION

DO YOU KNOW THAT AS A CANCER PATIENT YOUR INFORMATION CAN HELP:

- Understand the causes of cancer and best treatments
- Plan and improve cancer services
- Measure cancer patients' care
- Monitor changing cancer levels in Northern Ireland since 1993
- Find out about cancer risk

Information is collected and managed confidentially by the medically led N. Ireland Cancer Registry

Pick up a Patient Information Leaflet to learn more or visit the Cancer Registry website: www.qub.ac.uk/nicr

Contact Details:

N. Ireland Cancer Registry, Mulhouse Building, Grosvenor Road, Belfast, BT12 6DP

Tel: 028 9063 2573







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N. Ireland Cancer Registry

search

The Registry

About Us News & Events

Aims & Objectives

Confidentiality &

Registry History

Research and Audits

Governance

Links

Registry Databases

Frequently Asked Questions

Cancer Information

The N. Ireland Cancer Registry (NICR) is located in the Centre for Public Health, Queen's University Belfast and is funded by the Public Health Agency for Northern Ireland.

The Registry is responsible for the production of Official Statistics on cancer incidence, prevalence and survival in Northern Iteland and provides evidence to help inform decision making about cancer services. We collect patient information on their disease and the services they receive.

Protection of patient information is a priority within the Registry and strict confidentiality rules are applied to prevent identification of individual patient details.

To find out more about what we do and how we work you may wish to open our patient information leaflet (PDF, 645kb), cancer information poster and video (see below).





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School of Medicine, Dentistry and Biomedical Science

N. Ireland Cancer Registry

The Registry

About Us News & Events

Aims & Objectives

Confidentiality &

Registry History

Governance

Links
Registry Databases
Frequently Asked Questions
Cancer Information
Publications
Research and Audits

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School of Medicine, Dentistry and Biomedical Science

N. Ireland Cancer Registry

The Registry

Aims & Objectives

Confidentiality &

Registry History

Governance

Links
Registry Databases
Frequently Asked Questions
Cancer Information
Publications
Research and Audits

About Us News & Events The N. Ireland Cancer Registry (NICR) is located in the Centre for Public Health, Queen's University Belfast and is funded by the Public Health Agency for Northern Ireland.

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School of Medicine, Dentistry and Biomedical Science

N. Ireland Cancer Registry

The Registry

Aims & Objectives

Confidentiality &

Registry History

Governance

Links
Registry Databases
Frequently Asked Questions
Cancer Information
Publications
Research and Audits

About Us News & Events The N. Ireland Cancer Registry (NICR) is located in the Centre for Public Health, Queen's University Belfast and is funded by the Public Health Agency for Northern Ireland.

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School of Medicine, Dentistry and Biomedical Science

N. Ireland Cancer Registry

The Registry

Aims & Objectives

Confidentiality &

Registry History

Governance

Links
Registry Databases
Frequently Asked Questions
Cancer Information
Publications
Research and Audits

About Us News & Events The N. Ireland Cancer Registry (NICR) is located in the Centre for Public Health, Queen's University Belfast and is funded by the Public Health Agency for Northern Ireland.

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N. Ireland Cancer Registry

The Beginter

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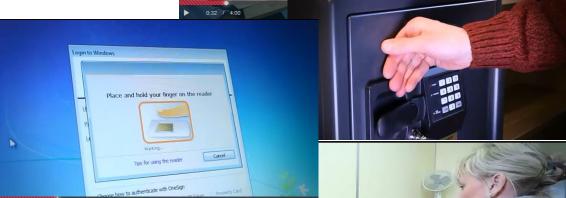
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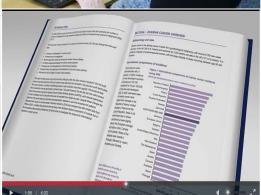
The following video gives further information on the role and work of the Cancer Registry. Please do have a look at it.













About Us News & Events

Aims & Objectives

Confidentiality & Governance

Registry History

Links

Registry Databases

Frequently Asked Questions

Cancer Information

Research and Audits

Conclusions

- Cancer registries contribute to the monitoring of health for patient benefit, through identification of risks, monitoring of services, international benchmarking and research.
- They value the data and respect patient confidentiality, working in compliance with various legislations at European and local level.
- They hold the data securely and inform the public about their roles.
- While differences exist there are many similarities in the way Cancer Registries in the UK and Ireland deal with patient data and patient consent,