

## SPSO decision report

**Case:** 201604293, An NHS Board area  
**Sector:** health  
**Subject:** policy / administration  
**Decision:** some upheld, recommendations

### Summary

Mr C, who is a transgender man, complained to us that an NHS board had failed to remove his female Community Health Index number (CHI - a ten digit number that identifies a patient in the NHS in Scotland) from their database. Mr C had previously been allocated a male CHI number. Overall responsibility for CHI numbers lies with NHS National Services Scotland. We did not consider that there had been any failings by the board in relation to this matter and we did not uphold this part of the complaint.

That said, we found that the board should not have used Mr C's old female CHI number to record his screening results on a national screening database. We upheld his complaint about this. In order for Mr C's results to be recorded on the screening database, and to prevent this happening again, NHS National Services Scotland allocated Mr C a new male CHI number that could be used on the national screening database. However, Mr C subsequently told them that he wanted to retain his original male CHI number. In view of this, we made a recommendation to the board about this matter.

Mr C also made complaints that a laboratory and a screening service from the board had disclosed his transgender status without his permission. We found that, under the Gender Recognition Act and the Gender Recognition (Disclosure of Information) (Scotland) Order 2005, Mr C's transgender status should not have been disclosed without his permission. We upheld these aspects of his complaint, although we noted that the board had apologised for this.

Finally, Mr C complained that the board's responses to his complaint had been unreasonable. We found that the letters issued by the board had been a reasonable response to the issues Mr C had raised. We did not uphold this aspect of his complaint.

### Recommendations

What we said should change to put things right in future:

- Given that Mr C has stated that he wishes to retain his old male CHI number and this was agreed with NHS National Services Scotland, the board should consider if a separate protocol (which includes guidance for staff on sharing information about transgender patients) is required for him to prevent these problems recurring.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.