

GUIDANCE SHEET

E-PORTFOLIOS AND REVALIDATION

Keeping a portfolio

For revalidation we recommend that nurses and midwives keep evidence that they have met the revalidation requirements in a portfolio. If they already keep a professional portfolio, revalidation evidence can form part of that portfolio. We do not require them to maintain a separate portfolio for revalidation, or use an e-portfolio. They also do not need to upload evidence from their portfolio to the NMC website as part of their revalidation application, or if they are selected to provide further information to verify their evidence.

Guidance sheet 1 in **[How to revalidate with the NMC](#)** provides detailed advice about how to ensure that all the information held in the portfolio for the purposes of revalidation is non-identifying so that it does not constitute personal data.

Data protection implications for nurses and midwives

We have provided NMC forms that nurses and midwives must use to record their reflective discussion and confirmation. When completed, these forms will contain identifying information about another NMC-registered nurse or midwife or a confirmer, including their name and address.

As part of our work on revalidation we sought advice on data protection and asked the **Information Commissioner's Office** (ICO) to consider whether the revalidation model would require nurses and midwives to register with them as data controllers. The advice from the ICO was that the personal details about the reflective discussion partner and confirmer on these two forms do constitute personal data within the meaning of the Data Protection Act 1988 (DPA) and that no exemptions under that Act are likely to apply as the data is being processed for a regulatory purpose rather than for domestic purposes (which is interpreted very narrowly).

The ICO advised that if nurses or midwives process those forms electronically (which includes using any form of e-portfolio system, storing them on a personal computer or sending a copy by email) then they would be data controllers in relation to the personal data in those two forms. This is because they will be recording and holding the data for the purposes of their own professional revalidation.

As of December 2015 the ICO has updated its advice about the electronic storage of the reflective accounts and reflective discussion forms. The ICO recognises that it would be highly disproportionate to expect nurses and midwives to have to register with them as data controllers, and has confirmed that it is not planning to take any action against any nurse or midwife for failing to register. As a result we no longer advise nurses and midwives to store

these forms in paper format only. You may choose to store your completed reflective discussion and confirmation forms in either paper or electronic format. However, you should still respect the fact that these forms contain personal data about your reflective discussion partner and confirmer.

NMC forms and templates

We have developed a range of **forms and templates** to support nurses and midwives through revalidation and these can be downloaded directly from our website. These forms and templates provide a straightforward way for nurses and midwives to record their revalidation evidence. Some of the templates are optional, but the reflective accounts form, the reflective discussion form and the confirmation form are mandatory.

The reflective account form, reflective discussion form and confirmation form may be incorporated into an e-portfolio system by means of a link to our website but they should not be adapted from the format in which we have provided them. This is because we will continue to update the guidance and make revisions to the forms and templates as necessary, so it is important that nurses and midwives access the most up to date versions through our website directly when they are due to revalidate.

Data protection implications of using e-portfolio systems

We know that some membership organisations, for example professional bodies and unions, as well as other commercial organisations, are offering e-portfolio systems for individual nurses and midwives to use to keep their revalidation evidence.

Any organisation that decides to provide such an e-portfolio service to individual nurses and midwives needs to be aware that there are data protection implications. Nurses and midwives may choose to store their completed reflective discussion and confirmation forms in electronic format using an e-portfolio system. However, they must ensure that the personal data on those forms is processed in accordance with all eight data protection principles set out in the DPA.

Data protection implications for employers or agencies who are registered with the ICO

We understand that employers or agencies might consider supporting their nurses and midwives by providing an e-portfolio system for them to keep their revalidation evidence. If they are providing such a system for the use of the nurses and midwives they employ or engage in order to facilitate their individual revalidation applications then the same considerations apply as are set out above, as the individual nurses and midwives will still be creating, recording and holding the personal data in the two forms for the purposes of their own professional revalidation.

We appreciate though that some employers may wish to store revalidation records for their staff electronically for their own separate employment purposes, for example if the reflective discussion or confirmation discussion is with a line manager and forms part of an annual appraisal process. Any such decision would come under the responsibilities of the employer as a data controller and whether or not they need to keep the revalidation records is for them to decide in line with their own obligations under the DPA and their own data retention schedules.

We are not able to provide any specific advice about this as it is separate from the processing of the data by the individual nurse or midwife for professional regulatory purposes. The advice that we have provided to nurses and midwives in relation to storing the reflective discussion and confirmation forms in either electronic or paper form is for them as individuals.

It is up to organisations to consider their own obligations under the Data Protection Act, and they should consider seeking advice that is specific to them from the Information Commissioner's Office in relation to this.

Further information

The ICO has published a guide to data protection at [**ico.org.uk/for-organisations/guide-to-data-protection**](https://ico.org.uk/for-organisations/guide-to-data-protection)

They have also published guidance specifically on anonymisation at [**ico.org.uk/for-organisations/guide-to-data-protection/anonymisation**](https://ico.org.uk/for-organisations/guide-to-data-protection/anonymisation)

Please note: that the NMC does not collaborate on, or endorse, any e-portfolio systems and we are unable to review or approve any revalidation documents and resources that are developed as part of such systems.

All the information, guidance and forms needed by individual nurses and midwives in order to revalidate are available free of charge on the NMC website