



Dear Colleague,

## NOTIFICATION OF TERMINATIONS OF PREGNANCY TO THE CHIEF MEDICAL OFFICER

1. The purpose of this letter is to inform all doctors providing abortion services (terminations of pregnancy) for patients living in Scotland of the updated requirements with regards to notifying terminations to the Chief Medical Officer (CMO). **Please ensure that this is brought to the attention of all doctors involved in providing terminations of pregnancy and any staff who support them, for example with administration.**

### The Abortion (Scotland) Regulations 1991

2. The Abortion (Scotland) Regulations 1991 (“the 1991 Regulations”) set out the arrangements under which a doctor (referred to in the legislation as a “registered medical practitioner”) who has terminated a pregnancy must give notice of the termination to the CMO, as required by the Abortion Act 1967.

3. **For any terminations taking place from 1 May 2022 onwards**, the Abortion (Scotland) Amendment Regulations 2021 (“the 2021 Regulations”) make the following changes to the 1991 Regulations in relation to arrangements for such notification to be given:

- They increase the deadline for giving notice of a termination from “within 7 days” of the termination to “before the fifteenth day of the calendar month immediately following the calendar month in which the practitioner terminated the pregnancy”;
- They remove the restriction that notifications must be sent by post or delivered in a sealed envelope, so allowing notice to be given using email;

**From the Chief Medical Officer**  
**Professor Sir Gregor Smith**

14 April 2022

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#### Addresses

##### For action

Territorial NHS Board Chief Executives  
NHS Abortion Leads  
non-NHS abortion providers

##### For information

NHS Board Medical Directors

#### Further Enquiries

Please contact  
Sam Baker  
[sam.baker@gov.scot](mailto:sam.baker@gov.scot)

Zarah Kobbacy  
[zarah.kobbacy@gov.scot](mailto:zarah.kobbacy@gov.scot)

- They remove the prescribed notification form (commonly known as the ‘yellow form’);
- They require a simpler notification to be sent to the CMO containing only:
  - the name of the doctor who terminated the pregnancy; and
  - the name of the doctor’s employer<sup>1</sup> (Health Board or private abortion provider).

4. In practice this will enable an email to be sent to my office which provides notification of multiple terminations at once.

5. **Please note that for any terminations taking place up to and including 30 April 2022, medical practitioners must continue to send the ‘yellow’ form to my office. As now, those forms must be sent within seven days of a termination taking place.** Therefore, I would ask you to ensure all outstanding yellow forms are completed and sent to my office **by 7 May 2022** at the latest.

### **Sending notifications for terminations from 1 May 2022 onwards**

6. Below are the details of what each notification must include:

**What to include** - The notification must contain:

- the name of the doctor who terminated the pregnancy; and
- the name of the doctor’s employer (Health Board or private abortion provider).

7. It should also contain notification of the **number of terminations** carried out during the previous calendar month. **No patient data** or other information should be included.

8. A privacy notice in relation to the data doctors will be providing to the CMO (their name, employer and email address) is provided for staff at **Annex B**.

**When** – Terminations must be notified to the CMO **before** the fifteenth day of the month following the month in which the termination was carried out. For example, a termination carried out on 1 May 2022 would require to be notified to my office by 14 June 2022 at the latest; a termination carried out on 31 May 2022 would also require to be notified by 14 June 2022.

9. While doctors could if they wish send a notification for each individual termination, in practice (particularly for those doctors responsible for multiple terminations each month) a notification can be sent once a month, before the 15<sup>th</sup> of the month, which relates to all the terminations carried out the previous calendar month.

**How** - Notifications are encouraged to be sent by email. There is no longer a prescribed form to be completed, but for reference a template which may be used for notifications is included at **Annex A**. There is no requirement for doctors to sign the

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<sup>1</sup> where the practitioner has more than one employer, the notice must state the name of the employer they were working for when the practitioner terminated the pregnancy.

notification, but if doctors prefer to do this, their details may be completed and signed by the relevant doctor and then scanned and emailed to the CMO. Otherwise the details can simply be typed in an email. If a doctor has an email signature at the bottom of their emails which makes clear who their employer is, there is no requirement for them to repeat this in the body of the text.

10. The address for sending notifications to is [cmo@gov.scot](mailto:cmo@gov.scot). In the subject line please state '**Notification of termination**'.

**Who** – Whilst administrative or other staff may assist with completion of the notification, it remains a legal requirement that it is the medical practitioner who terminated the pregnancy who notifies the CMO of the termination. In practice this can be by sending the email to the CMO, or by signing a notification (such as that provided at **Annex A**). It will be for local services to establish which medical practitioner(s) should provide the notification, as long as requirements of the Abortion Act 1967 are met.

### **Guidance on cases where there a multiple treatment centres or a termination does not proceed as expected**

11. Where multiple treatment centres are involved in a termination it will be for those involved to identify which doctor has carried out the termination and that doctor should provide the notification. Please ensure each termination is only notified once to avoid double counting.

12. If a doctor submits a notification, but subsequently realises it was incorrect, they should send a follow up to [cmo@gov.scot](mailto:cmo@gov.scot) to confirm the correct number of terminations and which notification they are correcting (if the original notification was sent by email, please provide the date or a copy of the notification to help ensure there is no confusion). For example, if a patient is provided with medication for an early medical abortion at home, but they subsequently did not take the medication or for any other reason have decided to continue with their pregnancy, that case would no longer count as a termination having taken place and would not need to be included in a notification.

13. Where a termination initially fails and the patient receives follow-up treatment from, or overseen, by the same doctor to ensure the termination is successful, this does not require a further notification to the CMO if the termination has already been notified. Where a termination has initially failed, and a different doctor has provided follow up treatment, the doctor who has terminated the pregnancy successfully should submit a notification. The doctor overseeing the original treatment which failed to successfully terminate the pregnancy should follow the process in paragraph 12 above to correct any notification they have already provided.

### **Separate arrangements with PHS regarding patient data**

14. Separately, data regarding each termination will be provided directly to Public Health Scotland (PHS) for the collation of abortion statistics from 1 May 2022. PHS is liaising with abortion providers on this so please get in touch with them directly if you have any queries on the provision of this data.

15. I am very grateful for your assistance in ensuring that all relevant staff are aware of the change in Regulations and that these processes are followed.

Yours sincerely,

*Gregor Smith*

**Professor Sir Gregor Smith**  
**Chief Medical Officer**

**Sample notification template to be used in emails to the CMO**

Email title: **Notification of termination**

Email to be sent to: [cmo@gov.scot](mailto:cmo@gov.scot)

To: Chief Medical Officer

Name of registered medical practitioner:

Employer<sup>2</sup> of registered medical practitioner:

Calendar month and year in which terminations were carried out:

Number of terminations:

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<sup>2</sup> where the practitioner has more than one employer, the notice must state the name of the employer in the course of which employment the practitioner terminated the pregnancy.

## **Privacy notice – for registered medical practitioners**

This privacy notice outlines your rights under the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UKGDPR). It describes the type of information that the Chief Medical Officer (CMO) may hold, how it will be used and who it might be shared with.

Personal data (or 'data') means any information that:

- might identify you
- be about you

The Abortion (Scotland) Regulation 1991 (as amended by the Abortion (Scotland) Amendment Regulations 2021) necessitates that some data in relation to the doctor terminating pregnancy (you) is included as part of the notification of a termination. This is to ensure that the CMO is able to carry out their role in monitoring abortions carried out in Scotland. All personal data will be treated sensitively and confidentially, and will not be shared outwith the CMO's office.

### **Data requested as part of the notification**

The notification asks for information about you:

- Your name
- Name of your employer (Health Board or private abortion provider)

You will be asked to provide this information before the 15<sup>th</sup> day of each calendar month following the month in which the termination was carried out. You are encouraged to send the notification via email to [CMO@gov.scot](mailto:CMO@gov.scot) – if so, the email will also include your email address.

Your data will be kept for a period of 6 months, after which it will be permanently deleted.

### **Who will view your data**

Your data will only be viewed by:

- The Chief Medical Officer and his staff

The data will be used for the sole purpose of the CMO monitoring abortions carried out within Scotland.

### **Keeping your data secure**

The Chief Medical Officer is committed to protecting and respecting your privacy. Data being held by the CMO will be stored in a secure email system on secure servers. This data will be stored for a limited time in order to allow for any follow up questions in case any terminations appear not to have been included. The CMO's

office will transfer data from each notification on the number of terminations by Health Board or provider to a separate spreadsheet. This information may be shared with Public Health Scotland for cross-checking purposes, but will not contain any personal data about individual doctors.

## Your rights

Under current data protection legislation you have a number of rights relating to your personal data that the CMO holds:

- Right to be informed about the use of your personal data – through this privacy notice, and should you have any further queries about how the CMO uses your data you can contact them via [cmo@gov.scot](mailto:cmo@gov.scot)
- Right of access to any personal data that the CMO holds about you – you can do this by making a Subject Access Request (SAR) to the CMO.
- Right to request that the CMO rectifies any incorrect data held about you.
- Right to object to the CMO using your data, restrict how your data is processed, or by asking for your data to be deleted.

Find out more about your rights on the Information Commissioner's website – [Your data matters | ICO](#)

## Complaints

Please contact the CMO's office at [cmo@gov.scot](mailto:cmo@gov.scot) if you have a concern or complaint.

If you feel the CMO has been unable, or unwilling, to resolve your data rights concern, you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK.

Head Office at The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Telephone: 08456 30 60 60

Website: [www.ico.org.uk](http://www.ico.org.uk).

You can also visit: <https://ico.org.uk/concerns/handling/> if you have any concerns or complaints.