



Public Health
England

NHS Health Check Information Governance Webinar

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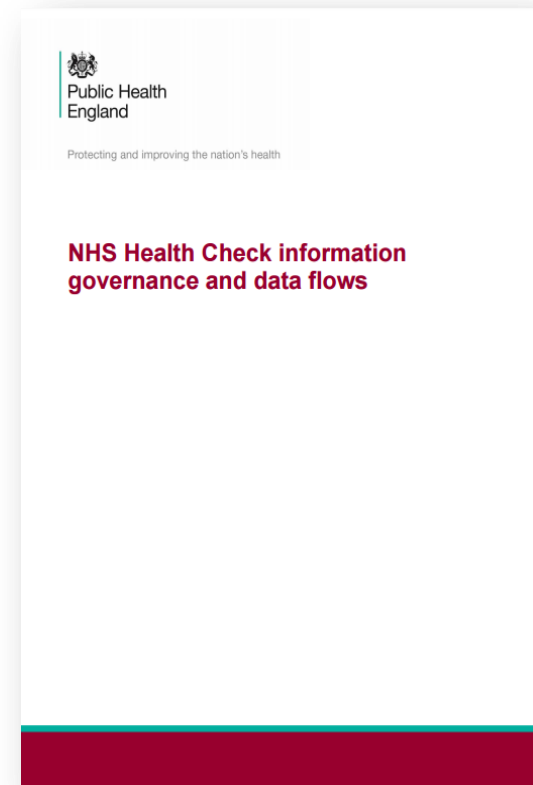


Information governance and data flows

- Originally published 2014
- Revised version Oct 2016

<http://www.healthcheck.nhs.uk/document.php?o=1227>

- Offers *guidance* to local authorities, not legal advice
- Relationships between providers and commissioners, data processors & data controllers in common should be contractually defined by local authority (LA)





Focus on three main data flows

- Identifying and inviting eligible population
- Transferring assessment data from non-GP NHS Health Check (NHS HC) providers back to GP practices
- Data extraction for local monitoring & evaluation



Changes in the new version

- Clarification of responsibilities of LAs as commissioners of NHS HC as data controllers in common with GPs (with different responsibilities/data access)
- Case studies to illustrate relationships between data controllers and data processors
- Note: **Data controller**: an individual/organisation who determines the purposes for and the manner in which any personal confidential data (PCD) are or will be processed.
- **Data processor**: any person (except employees of the data controller) who processes data on behalf of the data controller.



Local authorities as data controllers in common

- As the determiner of the *purpose for processing data*, LAs are data controllers in common for the NHS HC. In data controller in common situations, participation of parties may take different forms and need not be equally shared across processing. Eg, general practice will maintain control over personal confidential data, with only anonymised data available to LAs. *(NB. In common data controllership does not provide a lawful basis for LAs to process PCD themselves for the purpose of commissioning NHS HC.)*
- The local authority role as data controller in common also applies when providers of NHS HC are not GPs. In these circumstances, with patient information being sent back securely to GPs, the GPs also remain data controllers in common as the source of the original list of NHS HC-eligible patients.



1. Identification and invitation of eligible population

The guidance identifies three options that are not mutually exclusive:

1. GP practice identifies and invites eligible population

The practice determines through queries on record system

2. Using data processor to select and/or invite eligible population

If the GP practice is not the NHS HC service provider, contact details of the people to be invited are then securely transferred to the *data processor* commissioned by the LA.

3. Use NHS E local area teams to obtain list of 40-74 year olds

If GP practices are unable to provide an eligible population list, LAs can ask their NHS England local area teams for a list of 40-74 year olds and a data processor can be commissioned to send invitations.



2. Transferring data from alternative providers back to GP practice

Two data flows, when NHS HC not provided by GP:

1. GP must be notified who has had an NHS HC
2. Clinical information should be returned to the GP, and the patients advised that this will happen



3. General practice data extraction for anonymised reporting to LAs

A localised system needs to be established to enable GP practices to regularly provide anonymised information to LAs either as a simple data extract or as part of reporting software for contract monitoring, payment, evaluation and quality assurance.



Case studies: GPs/LAs as data controllers in common

Actor	Role in NHS Health Check programme delivery	Role in data flow
Local authority	Commissions NHS HC	Controller in common, responsibility for agreement of data flows necessary for provision of NHS HC to eligible patients
General practice	Invites own eligible patients and provides NHS HC	Controller in common, responsibility for personal confidential data (PCD)

GPs control the PCD, which may only be sent to the local authority in anonymised form.



Local authorities commissioning pharmacies

Actor	Role in NHS Health Check programme delivery	Role in data flow
Local authority	Commissions NHSHC	Controller in common
General practice	Patients' named GP	Controller in common, responsibility for PCD received
Pharmacy	Invites eligible patients	Data processor
Pharmacy	Provides NHSHC	Data processor

The LA must have a contract with pharmacies that indicates the pharmacies' roles and responsibilities as a data processor to securely and appropriately return data to NHS HC recipients' general practices.



Local authorities commissioning other third parties to deliver NHS Health Check in community or commercial settings

Actor	Role in NHS Health Check programme delivery	Role in data flow
Local authority	Commissions NHS HC	Controller in common, responsibility for management of data
General practice	Patients' named GP	Controller in common, responsibility for PCD received
Third party	Invites eligible patients	Data processor
	Provides NHS HC	Data processor

The third party has been commissioned (and contracted) specifically to provide the NHS HC service and is thus a data processor.



Someone has had an NHS HC & is referred to another service – eg, a stop smoking service

Actor	Role in NHS Health Check programme delivery	Role in data flow
Local authority	Commissions NHS HC	Controller in common, responsibility for management of data flows
General practice	Patients' named GP	Controller in common, responsibility for PCD
Stop smoking service	Follow up patient referred following NHS HC	To be agreed in contract

A new clinical relationship has begun that goes beyond the NHS HC. Contractual arrangements & appropriate data protection and transfer should be pursued by the commissioning bodies, referring parties & the stop smoking service itself.



A private company (third party 'A') is in charge of invitation, one voluntary sector organisation (third party 'B') provides NHS HC

Actor	Role in NHS HC programme delivery	Role in data flow	
		Contact details	Clinical information
Local authority	Commissions NHS HC	Controller in common, responsibility for management of data	Controller in common, responsibility for management of data
General practice	Patients' named GP	Controller in common, responsibility for PCD	Controller in common, responsibility for PCD
Third party A	Invites eligible patients	Data processor	N/A
Third party B	Provides NHS HC	Data processor	Data processor

Both third party A and third party B have been commissioned (and contracted) by the LA specifically to invite patients to and provide the NHS HC service respectively. Thus, parties A and B are both data processors.



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Thank you!
Questions...



Contact us:
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