

# Regional Health and Social Care Information Sharing Agreement

Information Governance Steering Group 13<sup>th</sup> September 2022

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## IGSG Decision Paper – Establishing the Frimley IGSG Sub Group

The IGSG Chair and members recognise the need for an interim IG forum that is able to give particular focus to matters relating to the inclusion of Frimley stakeholders within the Regional Health and Social Care Information Sharing Agreement (Regional ISA). Therefore, in accordance with paragraph 4.2 of Annex 1 to the Regional ISA the IGSG Chair authorises the Frimley Health NHS Foundation Trust and NHS Frimley Integrated Care Board to establish an IGSG Sub Group to focus on the matters relating to Frimley Integrated Care System stakeholders joining and as members of the Regional ISA.

The terms of reference for the Frimley IGSG Sub Group are set out below.

### The Frimley IGSG Sub Group is Accountable to and Advised by

1. The Frimley IGSG Sub Group is accountable to:
  - 1.1. IGSG itself; and
  - 1.2. The members of the Regional ISA.
2. The Frimley IGSG Sub Group is advised by:
  - 2.1. IGSG itself;
  - 2.2. The programme boards of any large-scale sharing arrangements managed through the Regional ISA;
  - 2.3. The National Data Guardian;
  - 2.4. The Information Governance Alliance; and
  - 2.5. The Information Commissioner's Office.
3. Members of Frimley IGSG Sub Group are directly accountable for delivery of the actions allocated to the member.

### Meeting Arrangements

4. Frimley IGSG Sub Group meetings:
  - 4.1. Frimley IGSG Sub Group meetings are held monthly;
  - 4.2. At the Frimley IGSG Sub Group chairperson's discretion Frimley IGSG Sub Group meetings may be held as virtual meetings:
    - 4.2.1. By conference call technology
    - 4.2.2. By an exchange of emails;
  - 4.3. Papers in support of Frimley IGSG Sub Group meetings are sent out at least five days in advance of a meeting;
  - 4.4. Minutes and other papers relating to a completed Frimley IGSG Sub Group:
    - 4.4.1. Are sent out within five days of the meeting to all standing members of IGSG and the members of the Frimley IGSG Sub Group
    - 4.4.2. Include a summary of Frimley IGSG Sub Group decisions and recommendations
    - 4.4.3. And the summary of Frimley IGSG Sub Group decisions are distributed to all of the members of the Regional ISA;
  - 4.5. At the Frimley IGSG Sub Group chairperson's discretion papers may be presented at short notice including at a Frimley IGSG Sub Group IGSG meeting itself; and
  - 4.6. With the exception of 4.5 above Frimley IGSG Sub Group members are expected to come to the meetings having read and understood any papers provided. The meetings are for clarification and decision making.

### Role and Purpose

5. In respect of Information Governance (IG) the role of Frimley IGSG Sub Group includes:
  - 5.1. Ensuring that the Regional ISA is implemented effectively within Frimley and in accordance with the requirements of the Regional ISA;
  - 5.2. Providing leadership and direction within Frimley;
  - 5.3. Setting the strategic IG direction and priorities within Frimley;
  - 5.4. Ensuring IG-related work is coordinated and completed across organisations within Frimley;
  - 5.5. Promoting IG as an enabler to the transformation of health and social care and to moving away from separate and fragmented information systems within Frimley;
  - 5.6. Providing timely and appropriate visibility of IG-related activity and key IG risks and issues to all relevant Regional ISA members;

- 5.7. Maintaining a register of identified data protection and security risks and associated mitigation actions within the scope of the Frimley IGSG Sub Group and communicating material data protection and security risks and associated mitigation actions to the Regional ISA Administrator; and
- 5.8. Providing assurance that the Regional ISA is effectively managed within Frimley.

### **The Authority of the Frimley IGSG Sub Group**

6. The authority of the Frimley IGSG Sub Group includes:
  - 6.1. Appointment of a chairperson for the Frimley IGSG Sub Group;
  - 6.2. Appointment of an alternative chairperson for the Frimley IGSG Sub Group where the chairperson is temporarily unavailable;
  - 6.3. Nomination of the Frimley membership of IGSG meetings;
  - 6.4. Approval of the associated:
    - 6.4.1. Processing and sharing specifications (in principle and prior to authorisation by the data controllers concerned)
    - 6.4.2. Data Protection Impact Assessments (in principle and prior to authorisation by the data controllers concerned)
    - 6.4.3. In respect of the Frimley members, generic and specific:
      - 6.4.3.1. Sharing use case precedents
      - 6.4.3.2. Arrangements for joint controllership
      - 6.4.3.3. Privacy and processing notices (in principle and prior to authorisation by the data controllers concerned)
      - 6.4.3.4. Access, consent, opt-in and opt-out policies, controls and processes (in principle and prior to authorisation by the data controllers concerned)
      - 6.4.3.5. Auditing and data quality policies and processes
      - 6.4.3.6. Processes and policies for incident management and reporting, freedom of information requests and subject access requests as set out in Annex 3 to the Regional ISA
      - 6.4.3.7. Risk mitigation actions;
  - 6.5. Recommending new members to the Regional ISA;
  - 6.6. Approval on behalf of the Frimley members of the Regional ISA of data processing contracts in respect of information that is part of jointly controlled data flows and information assets; and
  - 6.7. Nomination of Lead Controller organisations in respect of jointly controlled data flows and information assets.
7. The role, purpose and authority of the Frimley IGSG Sub Group supports the management of data sharing and processing by the members of the Regional ISA as data controllers but does not include:
  - 7.1. Determining the purpose of data processing; and
  - 7.2. Determining the means of data processing.

### **The Effect of the Frimley IGSG Sub Group Decision Making**

8. The decisions made by the Frimley IGSG Sub Group are:
  - 8.1. Subject to the conditions set by paragraph 8 of the Regional ISA Annex 1;
  - 8.2. Subject to ratification by IGSG itself. Such ratification will not be unreasonably withheld;
  - 8.3. Binding on all member organisations in respect of:
    - 8.3.1. Decisions regarding information governance policies and processes
    - 8.3.2. Decisions relating to Data Processor Contracts
    - 8.3.3. The management of data protection issues; and
  - 8.4. Regarded as recommendations that are subject to explicit approval by the member data controller organisations themselves where decisions are made in respect of:
    - 8.4.1. Schedule K data processing and sharing specifications and documents
    - 8.4.2. Schedule L initial and summary Data Protection Impact Assessments
    - 8.4.3. Regional Health and Social Care Data Protection Impact Assessments
    - 8.4.4. Proposals for changes to the Regional ISA itself
    - 8.4.5. Processing and sharing use case precedents
    - 8.4.6. Arrangements for joint controllership
    - 8.4.7. Privacy and processing notices
    - 8.4.8. Risk mitigation actions.

## Membership of the Frimley IGSG Sub Group

9. The membership of Frimley IGSG Sub Group meetings is determined by the chairperson of the Frimley IGSG Sub Group.
10. Membership of Frimley IGSG Sub Group meetings is extended to as a minimum, the:
  - 10.1. General Practice organisations within Frimley;
  - 10.2. Local Authorities with a Social Care responsibility within Frimley;
  - 10.3. The Lead Controllers for all joint controller arrangements overseen by the Frimley IGSG Sub Group; and
  - 10.4. The NHS Trusts within Frimley.
11. Membership of Frimley IGSG Sub Group meetings and attendance at Frimley IGSG Sub Group meetings is recorded by the administrator.
12. While it is not a mandatory requirement the expectation is that individuals attending on behalf of the member organisations are Caldicott Guardians, Senior Information Risk Owners, Data Protection Officers or their empowered delegates.

## Frimley IGSG Sub Group Quorum and Decision Making

13. Frimley IGSG Sub Group meeting decision making will be inclusive as far as possible but urgency and timescales will be considered and taken into account and the chairperson may elect to take a majority decision rather than a unanimous decision;
14. Where a member organisation does not attend a Frimley IGSG Sub Group meeting, the member organisation's opinions and decisions can be communicated by the member organisation to the chairperson in advance of the Frimley IGSG Sub Group meeting.
15. Frimley IGSG Sub Group meetings are quorate when at least one member is present from each of the following:
  - 15.1. The chairperson or alternate chairperson;
  - 15.2. Clinical professionals from within Frimley;
  - 15.3. Social Care professionals from within Frimley; and
  - 15.4. Information Governance professionals from within Frimley such as:
    - 15.4.1. Caldicott Guardians
    - 15.4.2. Data Protection Officers
    - 15.4.3. Managers of information governance departments
    - 15.4.4. Senior Information Risk Owners.
16. Frimley IGSG Sub Group meetings are quorate for specific agenda items when:
  - 16.1. The Lead Controller for any joint controller arrangement to be decided on as part of the agenda of the Frimley IGSG Sub Group meeting concerned is in attendance at the Frimley IGSG Sub Group meeting; and
  - 16.2. At least one Frimley IGSG Sub Group member representing any sole or several controller arrangements to be covered on the agenda of the Frimley IGSG Sub Group meeting concerned is in attendance at the Frimley IGSG Sub Group meeting.
17. For Frimley IGSG Sub Group meetings to be quorate at least one attendee at the Frimley IGSG Sub Group meeting must also be a standing member of the regional IGSG.