

# Regional Health and Social Care Information Sharing Agreement

Information Governance Steering Group 8<sup>th</sup> August 2023

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## Policy – Sharing of Anonymous Information – Health and Social Care Act (2012) s.251D

This policy sets out the agreed Regional ISA approach to the implementation of section 96 of the Health and Care Act (2022) as section 251D the Health and Social Care Act (2012) <https://www.legislation.gov.uk/ukpga/2022/31/section/96/enacted> .

This policy applies to data held and processed within the various shared care record solutions managed through the Regional ISA Information Governance Steering Group (IGSG) and where the data is held in an anonymised form or can be shared in an anonymised form without further transformational processing.

It is recognised that from time to time, requests for anonymised data may be received by Regional ISA member organisations in line with s.251D. The purpose of these requests may for example include (without limitation):

1. Business case development;
2. Commissioning;
3. Pathway reconfiguration;
4. Service planning; and
5. Transformation programme monitoring.

It is also recognised that these purposes may have been implicitly or explicitly excluded from the purposes approved by Regional ISA member organisations when approving the flow of data into the various shared care record solutions.

The policy for the approval of requests made under s.251D for anonymised data sharing from the various shared care record solutions managed through the Regional ISA IGSG is as follows:

1. The request for the data is forwarded for review to the Regional ISA Administrator and to the Data Protection Officer (DPO) or a designated alternate of the lead controller for the shared care record system concerned;
2. The relevant shared care record DPIAs and joint processing and sharing specification documents are reviewed to assess whether or not the purposes and the related processing are already covered by an existing specification and DPIA and whether or not the National Data Opt-Out needs to be applied to the requested processing;
3. If following a review of the request by the above it is considered that the request is **covered by existing approvals** for the provision of anonymised extracts from the shared care record concerned the request is approved, the originator of the request is informed of the decision and a record of the decision is noted in the IGSG decisions;
4. If following a review of the request by the above it is considered that the request is **NOT** compliant with s.251D (for example, the purposes of the request are not compatible with the requesting organisation's functions) or if the request is insufficiently detailed to allow proper assessment, or if the request is incompatible with the National Data Opt-Out the request is declined, the originator of the request is informed of the decision and a record of the decision is noted in the IGSG decisions;
5. If following a review of the request by the above it is considered that the request **IS** compliant with s.251D paragraphs 1 and 2 but would require the development of additional transformational processing to create the requested dataset (for example, the data needs to be grouped into non-standard age ranges or grouped into non-standard locations) the request is declined on the basis of s.251D paragraph 4, the originator of the request is informed of the decision and a record of the decision is noted in the IGSG decisions;
6. If following a review of the request by the above it is considered that the request is properly detailed and **IS** compliant with s.251D the request is approved, the originator of the request is informed of the decision and a record of the decision is noted in the IGSG decisions;
7. At the IGSG meeting following a decision as set out above, IGSG is made aware of the decision as part of the "for information" section of the IGSG agenda; and
8. The decision is made available to Regional ISA members as part of the distribution of the IGSG minutes.

This policy takes effect from 8<sup>th</sup> August 2023 and expires on the 30<sup>th</sup> April 2028.

Version 2 (final).