

Cheshire and Merseyside Health and Care Partnership

Data Sharing Agreement (Tier Two)

Empower Programme

Workstream: Amity Patient Held Record (PHR)

Data Sharing Agreement Tiered Framework

There are three Tiers to the Data Sharing Agreement Tiered Framework:

Tier Zero Memorandum of Understanding

Overarching Memorandum of Understanding which sets out an organisations agreement in principle to share information with the partner organisations in a responsible way. The tiered approach provides a governance framework to standardise procedures and processes when sharing confidential personal information between partners where there is a lawful basis to do so. The Tier Zero is signed by a Chief Executive (or equivalent) and commits to their organisation operating within the agreed framework of data sharing. Only one Tier Zero needs to be signed regardless of the number of Tier One and Tier Two documents beneath it. It is anticipated that CCGs will work with member practises to achieve sign up to this MOU.

Tier One Data Sharing Agreement - Standards

These are the overarching standards which outline the agreed procedures for sharing confidential information. The document recognises that not all organisations which are party to the agreement will have the same assurance requirements (such as the Data Security and Protection Toolkit) and therefore sets the minimum standard of each of the participating organisations. The document sets the standards for obtaining, recording, holding, using and sharing of information and outlines the supporting legislation, guidelines and documents which govern information sharing between partners. The Tier One is signed by the designated responsible officer for each partner organisation, for the whole C&M Health and Care Partnership. It is anticipated that CCGs will work with member practises to achieve sign up to this Data Sharing Agreement – Standards.

Tier Two Data Sharing Agreement

The Tier Two provides a template for the safe sharing of personal data. The template will show what information should be shared and how, under what circumstances and by whom, and should be tailored to individual partnerships/projects. Each Tier Two Data Sharing Agreement will need to be signed off by each participating organisation. Tier Two Data Sharing Agreements could be for all partners at Tier Zero, or a selected cohort of partners who are participating in a specific project. Each Tier Two is signed by the Senior Information Risk Owner (SIRO) and/or Caldicott Guardian (CG), alternatively the Chief Executive or equivalent if there is no SIRO/CG, for each of the partner organisations. It is anticipated that CCGs will work with member practises to achieve sign up to this Data Sharing Agreement.

Clause

Sharing agreements negotiated prior to the commencement of the three Tiers and related Empower Programme documentation are not terminated or otherwise varied by the implementation of the Empower Programme documentation.

Empower Programme recognise that each partner organisation will have their own local policies and procedures regarding information security and confidentiality and to make clear that this Tier Two, and the Tier Zero and Tier One documents, are not designed to negate or supersede existing local policies but to enhance them by facilitating cross-boundary dialogue and agreement.

Tier Two - Data Sharing Agreement

This Data Sharing Agreement is subject to the controls set out in the Cheshire and Merseyside Health and Care Partnership Data Sharing Contract.

1. Title and Reference Code

Project	Amity Patient Held Record (PHR)
Workstream	Empower Programme
Reference	PMO Tier Two DSA – Empower final 1.0

2. Parties to the Agreement

The intended partnership is as indicated below but does not exclude other participants which may be identified and included at a later date e.g. Hospices or Care Homes. A final list will be produced and circulated on final completion.

The GP Practices within the Clinical Commissioning Groups listed below will also be partners to this Memorandum of Understanding (Tier Zero).

Agreement Owner	Michelle Harvey Empower Programme Manager Cheshire and Merseyside Health and Care Partnership
Providing Organisations	Each GP Practice across the Health & Care Partnership for Cheshire & Merseyside and Lancashire & South Cumbria. Alder Hey Children's NHS Foundation Trust Blackburn with Darwen Unitary Council Blackpool Council Blackpool Fylde & Wyre Hospital Bridgewater Community Healthcare NHS Foundation Trust Cheshire and Wirral Partnership NHS Foundation Trust Cheshire Care Record Cheshire East Council Cheshire West and Chester Council Countess of Chester Hospital NHS Foundation Trust East Cheshire NHS Trust East Lancs Hospital Trust (Blackburn and Burney Hospitals) Halton Borough Council Knowsley Borough Council Lancashire Care Foundation Trust (Mental Health) Lancashire County Council Liverpool City Council Liverpool Heart and Chest NHS Foundation Trust Liverpool University Hospitals NHS Trust (Royal, Aintree & LCL) Liverpool Women's NHS Foundation Trust Mersey Care NHS Foundation Trust

	<p> NHS Blackburn and Darwen CCG NHS Blackpool CCG NHS Cheshire CCG NHS Chorley and South Ribble CCG NHS East Lancashire CCG NHS Fylde & Wyre CCG NHS Greater Preston CCG NHS Halton CCG NHS Knowsley CCG NHS Liverpool CCG NHS South Sefton CCG NHS Southport and Formby CCG NHS St Helens CCG NHS The Bay CCG NHS Warrington CCG NHS Wirral CCG North West Boroughs Healthcare NHS Foundation Trust North West Ambulance Service Manchester Children's Hospital Primary Care 24 Sefton Council Southport & Ormskirk Hospital St Helen's Care Record St Helens and Knowsley Teaching Hospitals NHS Trust St Helens Council The Clatterbridge Cancer Centre NHS Foundation Trust The Mid Cheshire Hospitals NHS Foundation Trust The Walton Centre NHS Foundation Trust University Hospitals Morecambe Bay Warrington and Halton Hospitals NHS Foundation Trust Warrington Borough Council Wirral Care Record Wirral Community NHS Foundation Trust Wirral Council Wirral University Teaching Hospital NHS Foundation Trust Yorkshire And Humber Partners Academic Health Science Network Limited </p>
Receiving Organisations	<p>Each GP Practice across the Health & Care Partnership for Cheshire & Merseyside and Lancashire & South Cumbria.</p> <p> Alder Hey Children's NHS Foundation Trust Blackburn with Darwen Unitary Council Blackpool Council Blackpool Fylde & Wyre Hospital Bridgewater Community Healthcare NHS Foundation Trust Cheshire and Wirral Partnership NHS Foundation Trust Cheshire Care Record Cheshire East Council Cheshire West and Chester Council Countess of Chester Hospital NHS Foundation Trust East Cheshire NHS Trust East Lancs Hospital Trust (Blackburn and Burney Hospitals) Halton Borough Council Knowsley Borough Council Lancashire Care Foundation Trust (Mental Health) Lancashire County Council Liverpool City Council Liverpool Heart and Chest NHS Foundation Trust Liverpool University Hospitals NHS Trust (Royal, Aintree & LCL) Liverpool Women's NHS Foundation Trust </p>

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3. Term of the Agreement

Start Date	June 2021
End Date	This agreement will be reviewed annually by the Health & Care Partnership for Cheshire & Merseyside: Information Governance Strategy Group, led by the IG Managers and DPOs on the Group.

4. Data Protection Impact Assessment

<p>Summary of Data Protection Impact Assessment for Data Sharing</p>	<p>This Tier Two agreement relates to data / information sharing for purposes associated with Personal Health Records (PHRs.) PHRs are designed to empower individuals to care for themselves and take control of their own health and wellbeing. They do this by providing a digital platform(s) that allow people to access their own health and care records, track lifestyle and aspects of their conditions, find resources related to their situation, and interact with health and care services.</p> <p>As part of its Empower programme the Cheshire and Merseyside Health and Care Partnership has been developing the Amity PHR as a collaborative project / platform. The DPIA for Amity is embedded below:</p> <div data-bbox="443 1032 497 1093" data-label="Image"> </div> <p>AMITY DPIA Workstream_Empow</p> <p>Also, through the Empower programme, the Health and Care Partnership is developing an accreditation scheme for other PHRs and digital health platforms / apps which can provide related capabilities and additional value to patients / citizens. Collectively these apps / platforms are sometimes referred to as a PHR or digital health / app eco-system.</p> <p>Each app / platform in the eco-system will develop its own DPIA to ensure that any risks associated processing personal data and understood and managed. As and when each app / platform is accredited to the eco-system then its details will be added to this Tier Two Agreement.</p>
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5. Data Details

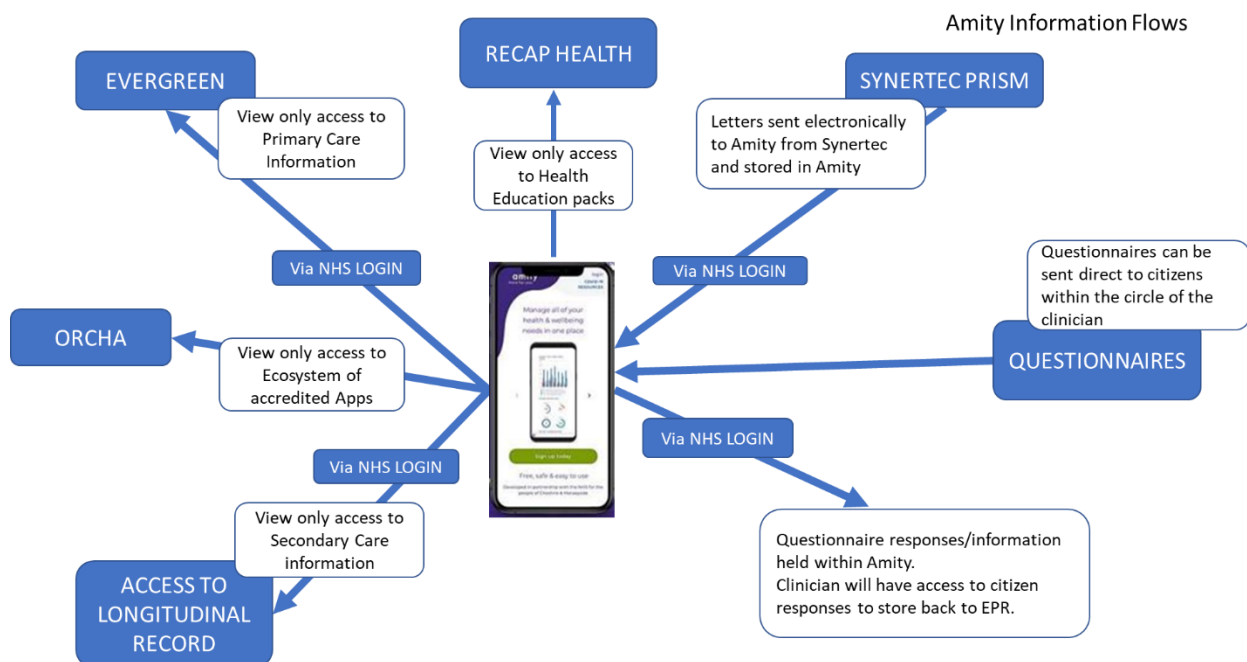
<p>Purpose of Data Sharing</p>	<p>To provide citizens, patients, carers, and clinical staff with digital platform(s) to empower individuals to care for themselves and take control of their own health, care, and wellbeing. Capabilities include:</p> <ul style="list-style-type: none"> • Individuals can access their own health and care record(s); • Individuals can create, record, and share their own content with clinicians, care providers, and wider supports networks;
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	<ul style="list-style-type: none"> • Individuals can access materials and support related to the self-management and advancement of their own health, wellbeing, care, and conditions; • Individuals can interact with health and care services and wider support networks. <p>N.B. This data set cannot be used for research.</p> <p>All research projects undertaken by a Trust and other NHS organisations, must ensure that studies have the necessary NHS permission and are in compliance with the regulatory framework for research.</p> <p>Each Trust/NHS organisation is responsible to manage any research appropriately, and should follow their own professional body recommendations, together with their organisations internal policies and procedures,</p> <p>Patients and service user information collected during the course of their care and treatment, further used to support research and improve care for others, almost always must be anonymised or coded (pseudonymised) so these individuals cannot be identified.</p> <p>All Trusts/NHS organisations who have access to data through the HCP workstreams, must not further process this data for research or any other purposes which are not set out in the respective Tier Two Data Sharing Agreement.</p>
Data to be Shared	<p>The data to be shared will vary depending on the exact details of the individual PHR app / platform in question. These should always be documented in the individual DPIA. However, in general, there are likely to be similarities in the types of data to be shared.</p> <p>For Amity the extent of data to be shared, depending on the functions used by the individual user, is:</p> <ul style="list-style-type: none"> • Personal data: <ul style="list-style-type: none"> ○ First name ○ Last name ○ Gender ○ Email address

	<ul style="list-style-type: none"> ○ NHS number ○ Date of birth ○ First name ○ Phone number • Special category data – data concerning health <ul style="list-style-type: none"> ○ Personal health records ○ Clinical records ○ Clinical correspondence ○ Questionnaire responses ○ Messages ○ Transactional data such as appointment bookings • Personal data revealing racial or ethnic origin
Lawful Basis for Sharing Data	<p>Under the General Data Protection Regulation (GDPR), the following conditions are met:</p> <p>Processing Personal Data – GDPR Article 6 The GDPR lawful basis for ‘processing of personal data’ is met under Article 6(1)(f) processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party (except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject).</p> <p>Processing Sensitive Personal Data – GDPR Article 9 The GDPR lawful basis for ‘processing of special category data’ is met under Article 9(2)(h): Processing necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the individual, medical diagnosis, the provision of health or social care or treatment or the management of health or social care services, with appropriate safeguards.</p> <p>The Common Law Duty of Confidentiality can be set aside under one of the following:</p> <ul style="list-style-type: none"> • Can be shared with consent • Can be overridden in the public interest e.g. threat of homicide or suicide • Can be overridden by legislation <p>Here the Common Law Duty of Confidentiality (CLDoC) is addressed by explicit consent. Individuals with capacity accept the Terms and Conditions and provide their valid, informed consent for a specific purpose without prejudice.</p>
Personnel to have	<ul style="list-style-type: none"> • Registered health and social care professionals. • Unregistered professionals acting in the pursuit of direct care.

access to the data	
Details of retention and destruction	<p>Variable depending on the individual PHR app / platform in question. See individual DPIAs.</p> <p>Data will be kept in line with the latest Records Management Code of Practice for Health and Social Care.</p>
Details of how the Data will be shared – Data Flow	<p>Variable depending on the individual PHR app / platform in question. See individual DPIAs.</p> <p>Example for Amity is shown in the diagram below.</p>

Example Data Flows



6. For Personal and Sensitive Data

The following table provides some further details.

Sensitive data excluded	Sensitive data exclusions will be determined on a case-by-case basis for each PHR in the eco-system, and detailed in the individual DPIA as appropriate.																	
Data Controller Arrangements	<p>Executive Sponsor: The owner of any data protection risks identified within the DPIA. This person is an appropriately senior manager, ideally a member of the Executive Team, assigned to the relevant Directorate.</p> <p>Data Controller: exercises control over the processing and carries data protection responsibility. Their activities will include significant decision making.</p> <p>Data Processor: simply processes data on behalf of a data controller and their activities are more limited to ‘technical’ aspects</p> <p>Sub processor: Under GDPR, the controller must give its prior written authorisation when its processor intends to entrust all or part of the tasks assigned to it to a sub processor. The Process remains fully liable.</p> <p>Joint Data Controllers: Where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers (see GDPR Article 26).</p> <p>For S2C HCP this is the responsibilities of partner organisations when they are acting as joint data controllers in delivering health and care utilising the information available from the shared records from each participating organisation.</p>																	
Receiving Organisations ICO Registration Reference Numbers	<table><tr><td colspan="2">Each GP Practice across the Health & Care Partnership for Cheshire & Merseyside and Lancashire & South Cumbria.</td></tr><tr><td>Trust name</td><td>ICO Number</td></tr><tr><td>Alder Hey Children’s NHS Foundation Trust</td><td>Z1435601</td></tr><tr><td>Blackburn with Darwen Unitary Council</td><td>Z6166514</td></tr><tr><td>Blackpool Council</td><td>Z5720508</td></tr><tr><td>Blackpool Fylde & Wyre Hospital</td><td>Z5052220</td></tr><tr><td>Bridgewater Community Healthcare NHS Foundation Trust</td><td>Z2436346</td></tr><tr><td>Cheshire and Wirral Partnership NHS Foundation Trust</td><td>Z5225526</td></tr></table>		Each GP Practice across the Health & Care Partnership for Cheshire & Merseyside and Lancashire & South Cumbria.		Trust name	ICO Number	Alder Hey Children’s NHS Foundation Trust	Z1435601	Blackburn with Darwen Unitary Council	Z6166514	Blackpool Council	Z5720508	Blackpool Fylde & Wyre Hospital	Z5052220	Bridgewater Community Healthcare NHS Foundation Trust	Z2436346	Cheshire and Wirral Partnership NHS Foundation Trust	Z5225526
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Bridgewater Community Healthcare NHS Foundation Trust	Z2436346																	
Cheshire and Wirral Partnership NHS Foundation Trust	Z5225526																	

Cheshire Care Record	Z3583640
Cheshire East Council	Z1543115
Cheshire West and Chester Council	Z1542890
Countess of Chester Hospital NHS Foundation Trust	Z6903413
East Cheshire NHS Trust	Z7573067
East Lancs Hospital Trust (Blackburn and Burney Hospitals)	Z8049565
Halton Borough Council	Z4803991
Knowsley Borough Council	Z5775143
Lancashire Care Foundation Trust (Mental Health)	Z6710592
Lancashire County Council	Z542705X
Liverpool City Council	Z7624756
Liverpool Heart and Chest NHS Foundation Trust	Z4762537
Liverpool University Hospitals NHS Trust (Aintree Royal & LCL)	Z9553640
Liverpool Women's NHS Foundation Trust	Z7119932
Mersey Care NHS Foundation Trust	Z6634416
NHS Blackburn and Darwen CCG	ZA001552
NHS Blackpool CCG	ZA001543
NHS Cheshire CCG	ZA742956
NHS Chorley and South Ribble CCG	ZA001566
NHS East Lancashire CCG	ZA001569
NHS Fylde & Wyre CCG	ZA001559
NHS Greater Preston CCG	ZA001555
NHS Halton CCG	Z3659334
NHS Knowsley CCG	Z3650579
NHS Liverpool CCG	ZA008971
NHS South Sefton CCG	ZA004409
NHS Southport and Formby CCG	ZA004397
NHS St Helens CCG	ZA001812
NHS The Bay CCG	ZA001572
NHS Warrington CCG	Z3617341
NHS Wirral CCG	Z3597206
North West Boroughs Healthcare NHS Foundation Trust	Z8591053.
NWAS	Z9603234
Manchester Children's Hospital	ZA282424
Primary Care 24 (Merseyside) Limited	Z9410058
Sefton Council	Z6451588
Southport & Ormskirk Hospital	Z667261X
St Helen's Care Record	Z5040527
St Helens and Knowsley Teaching Hospitals NHS Trust	Z5040527
St Helens Council	Z5666620
The Clatterbridge Cancer Centre NHS Foundation Trust	Z7367711
The Mid Cheshire Hospitals NHS Foundation Trust	Z4846564

	The Walton Centre NHS Foundation Trust	Z6052598
	University Hospitals Morecambe Bay	Z5536149
	Warrington and Halton Hospitals NHS Foundation Trust	Z5654134
	Warrington Borough Council	Z4794892
	Wirral Care Record	Z1092834
	Wirral Community NHS Foundation Trust	Z2567487
	Wirral Council	ZA222838
	Wirral University Teaching Hospital NHS Foundation Trust	Z1092834
	Yorkshire And Humber Partners Academic Health Science Network Limited	ZA269054

Empower Programme
Workstream: Amity Patient Held Record (PHR)

Data Sharing Agreement (Tier Two)

Signatory Sheet

Each party to this Data Sharing Agreement (Tier Two) is required to complete & sign below.

Data Sharing Agreement Owner – Host Organisation

Signed for and on behalf of:	
Name	
Role / Job Title	
Signature	
Date	

Party to the Data Sharing Agreement – Partner Organisation

Signed for and on behalf of:	
Name	
Role / Job Title e.g. Chief Executive/SIRO/Caldicott Guardian	
Signature	
Date	