



Share2Care
Data changes lives

Health & Care Partnership
for Cheshire & Merseyside



Cheshire and Merseyside Health and Care Partnership

Data Sharing Agreement (Tier Two)

Workstream: Unified Direct Care Agreement



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 Share2Care documentation are not terminated or otherwise varied by the implementation of the Share2Care documentation.

Share2Care 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	Share2Care
Workstream	Unified Direct Care Agreement
Reference	S2C-IG00003

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	Louise Shepherd CBE Chair, Digital Revolution Programme Board 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 NHS Blackburn and Darwen CCG NHS Blackpool CCG NHS Cheshire CCG NHS Chorley and South Ribble CCG NHS East Lancashire CCG



	<p>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 Mersey Care NHS Foundation Trust 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</p>



	<p>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 NNAS Manchester Children's Hospital Primary Care24 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>
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3. Term of the Agreement

Start Date	01 February 2019 (proof of concept)
End Date	<p>31 March 2022</p> <p>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.</p>

4. Data Protection Impact Assessment

Summary of Data Protection Impact Assessment for Data Sharing	<p>C&M Share2Care / e-Xchange is the brand identity for the Forcare product and technical capabilities managed by the Cheshire and Merseyside Share2Care Programme. This was developed as an Alder Hey NHS Foundation Trust GDE programme. In 2019 Share2Care aligned with Lancashire and South Cumbria's LPRES programme and was successful in becoming a 2nd Wave Local Health and Care Record Exemplar (LHCRE). This alignment allows for federated connection between the e-Xchange system and the LPRES system in</p>
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	<p>Lancashire and South Cumbria.</p> <p>The number and scope of the products and capabilities is evolving but they are broadly aligned to:</p> <ol style="list-style-type: none"> 1. Making organisational care data “boundary-less” and supporting patient care regardless of setting. 2. Providing patients with seamless access to their care record. 3. Supporting complex care needs delivered across super-regional / tertiary centres. <p>At the centre of the Cheshire and Merseyside Health Care Partnership is the Forcare e-Xchange platform, which facilitates access to real-time information for providers of health and care that is proportionate and relevant to their role.</p> <p>The full Data Protection Impact Assessment (DPIA) is embedded below:</p> <div style="text-align: center;">  <p>S2C DPIA Unified Direct Care Agreeeme</p> </div>
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5. Data Details

<p>Purpose of Data Sharing</p>	<p>The purpose of the data sharing is for direct care use of the shared record for clinicians to see a more complete version of the patients combined record in e-Xchange.</p> <p>The aim of implementing a shared record platform into health and social care organisations is to improve the quality, safety and coordination of care received by individuals across Cheshire, Merseyside, Lancashire and South Cumbria. This is achieved through ensuring health and care professionals are able to have the right information, at the right time, regardless of where the individual is receiving care and support. We aim to ensure all care settings are able to collaborate and coordinate care, whether it is within a GP practice, hospital, community site or within the home.</p> <p>Throughout the lifecycle of the programme, patients will be informed of the benefits of sharing, and the programme will work to ensure we can interoperate with key systems across the geography, ensuring a wealth of clinically relevant data is available to their health and care providers.</p> <p>Integrating the Healthcare Enterprise (IHE) is an initiative of both users and vendors of medical information systems and has been</p>
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	<p>tested by companies and medical organisations to ensure these standards will allow for the safe flow and integration of systems.</p> <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 Share2Care 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>
<p>Data to be Shared</p>	<p>Name, Address (home or business), Postcode NHS Number Date of Birth Online identifier (e.g. Email Address, IP Address) Identification Number (e.g. Hospital number, Location Data Employment School Adoption Safeguarding Racial/Ethnic Origin Religious or Philosophical Beliefs Genetic Data Biometric Data (e.g. Fingerprints) Sexual Life Sexual Orientation</p> <p>Health Data Clinical diagnosis and history Treatment plans Medications Discharge summaries Clinic letters Radiology data Laboratory data, and any other pertinent health data for direct care</p>



	<p>Social Care Data Case history Person details Carers Disability Risk type, and any other pertinent social care data for direct care</p>
<p>Lawful Basis for Sharing Data</p>	<p>Under the General Data Protection Regulation (GDPR), the following conditions are met:</p> <p>Processing Personal Data – GDPR Article 6 6 (1) (e) Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller</p> <p>Processing Sensitive Personal Data – GDPR Article 9 9 (2) (h) Necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care, or treatment or the management of health or social care systems and service</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>The Common Law Duty of Confidentiality is addressed by implied consent for direct patient care.</p> <p>For further support to the Common Law Duty of Confidentiality, as an example, the BMA guide <i>GPs as data controllers under the General Data Protection Regulation</i>, available at: https://www.bma.org.uk/media/1827/bma-gps-as-data-controllers-under-gdpr-november-2019.pdf sets out on page 3:</p> <p>“When relying on Articles 6(1)(e) and 9(2)(h) to share data for the provision of direct care, consent under GDPR is not needed. However, in addition to the GDPR, data controllers must also satisfy the common law duty of confidentiality. In order to satisfy the common law data controllers can continue to rely on implied consent to share confidential health data for the provision of direct care. The most common example of when consent can be implied is when a patient agrees to a referral from one healthcare professional to another. In these circumstances, when the patient agrees to the referral this implies their consent for sharing relevant information to support the referral (unless the patient objects). The referral information can then be disclosed under GDPR using articles 6(1)(e) and 9(2) (h) as above.”</p>



Personnel to have access to the data	<p>Registered health and social care professionals. Unregistered professionals acting in the pursuit of direct care.</p> <p>N.B audits will be conducted on staff who have accessed data, as necessary. Examples include:</p> <ul style="list-style-type: none"> • a general audit of staff using the new S2C system. • an audit of who has accessed a particular record. • an audit to see who has accessed records that they had no legitimate reason to do so. <p>Role Based Access Control (RBAC) will be in place.</p>
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Proposal approved by the IG Strategy Group:

Activity	Patient Demographics	Discharge Summaries	Clinic Letters	Radiology Reports	Lab Results	Radiology Images	Social Care Summary	Example roles for each level of access (to be determined by each Trust)
Full Record Access	Y	Y	Y	Y	Y	Y	Y	All clinicians, doctors, nurses, AHPs, associate nurses, pharmacists, physician associates etc.
Clinical Documentation Access	Y	Y	Y	N	N	N	Y	Link worker, social worker, social prescriber etc.
Medical History Access	Y	N	N	Y	Y	Y	N	Ward Clerks etc.
Extended Medical History Access	Y	Y	Y	Y	Y	Y	N	MDT administrators, HCAs etc.
Demographics	Y	N	N	N	N	N	N	Admin / Clerical etc.



<p>Details of how the Data will be shared – Data Flow</p>	<p>Published information is viewed, not transmitted. Information stored in originating Trust server. Information for retrieval is sent to ForConnect (Phillips/Forcare), which is held in local servers seated within the Trust network domain. A link to published data is registered in the central registry. When an authorised user accesses the system, a link is routed to the document held in the servers of the respective sites, and a view of that document is displayed to the user. The S2C data flow can be found at https://help.share2care.nhs.uk/</p>
<p>Details of retention and destruction</p>	<p>N/A – no data is persisted or retained. Information is held within the Partner Organisations local server, and subject to local record retention policies.</p>

6. For Personal and Sensitive Data

The following table provides some further details.

<p>Sensitive data excluded</p>	<p>Sensitive data that is structured (i.e. organised computer processable items) are excluded from retrieval following recommendations made by The Royal College of General Practitioners (RCGP) ethics committee and the Joint GP IT Committee. These items include:</p> <ul style="list-style-type: none"> • Gender reassignment. • Assisted conception and in vitro fertilisation (IVF) • Sexually transmitted diseases (STD) • Termination of pregnancy <p>Additionally, sites are informed of excluded sensitive data items, and these should be excluded from uploaded clinical documentation.</p>
<p>Data Controller Arrangements</p>	<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>



	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.	
Receiving Organisations ICO Registration Reference Numbers	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
	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

7. For Pseudonymised or De-Identified Data

Details of controls to be put in place to minimise the risk of re-identification of patients or service users	N/A – data will be shared for direct care, for clinicians to see a more complete version of the patients combined record in e-Xchange.
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**Workstream: Unified Direct Care Agreement
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:	Alder Hey Children's NHS Foundation Trust
Name	Louise Shepherd CBE
Role / Job Title	Chair, Digital Revolution Programme Board Cheshire and Merseyside Health and Care Partnership
Signature	
Date	9 March 2021

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	

Please return to:
Joanna Gilmore
Share2Care Programme Office
share.2care@nhs.net