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To CCG Accountable Officers, Clinical Leads  
and Caldicott Guardians

11/05/2016

Dear Colleague

We understand that the use of data to make local planning decisions is key to the delivery of quality health and care to your patients. The Health and Social Care Centre (HSCIC) supports you in this activity through the local Data Services for Commissioners Regional Offices (DSCROs) who process and disseminate data in line with strict controls. This includes making sure that CCGs, and any data processors who process data on your behalf, only receive data that is identifiable at patient level where it is strictly necessary to support the effective planning of health and care services and there is a legal basis for you to have access to the data.

The purpose of this letter is to clearly set out the CCG's responsibilities as data controller with respect to the data that is processed on your behalf by DSCROs. It also confirms the actions that you need to take to ensure that you or your data processor can continue to receive patient level data where required to support commissioning activities.

In order to receive data from DSCROs, CCGs as data controllers, are responsible for ensuring that:

1. you have the have appropriate information governance controls in place to receive health and social care data;
2. where you have engaged another organisation to process data on your behalf, you enter into a data processing agreement with the organisation;
3. you enter into a Data Sharing Framework Contract with HSCIC. Signing this document commits you to meeting a set of conditions for the use of the data you receive from HSCIC via the DSCROs;
4. you enter into Data Sharing Agreements with HSCIC which require you to include the detail of the individual flows of data that you are requesting, the purpose for which the data is to be used to help justify the release of data as well as the benefits you expect to accrue from having access to this data;
5. you submit updates to the HSCIC when there are any material changes to your data processing arrangements or the data flows that you require or wish to stop receiving; and
6. you submit applications to renew the Data Sharing Framework Contract and the Data Sharing Agreement when they expire.

Further guidance about these matters is available in Annex A to this letter and on the Information Commissioner's Office website at <https://ico.org.uk/media/for-organisations/documents/1546/data-controllers-and-data-processors-dp-guidance.pdf>.

NHS England and HSCIC are committed to ensuring that there is transparency about the way that data is handled and shared. This requires that all flows from DSCROs to CCGs are properly documented controlled using the agreements set out above. To this end we have asked staff at each DSCRO to contact groups of CCGs to ensure that your applications for Data Sharing Agreements correctly reflect the data that you and/or your data processor receive from the DSCRO.

They will also make contact with the 45 CCGs who do not currently have a Data Sharing Contract and to ensure that you have completed the attached contract and submitted it to [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk). The form should be completed electronically, include a scanned signature and be sent from the named individual's email account quoting **Data Services Data Sharing Contract** in the subject line of the email.

If you are not the correct person within your organisation to handle this process, then please send it on to the appropriate person or write to [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) with the relevant contact details.

If you are unable to comply with the required security policies to support a Data Sharing Framework Contract or you are not in receipt of a signed valid Data Sharing Framework Contract by the **30<sup>th</sup> June 2016** then we will be unable to continue the flow of data to your organisation. We will also be issuing a certificate requesting destruction of any data supplied by DSCROs, on behalf of HSCIC, until such time as a Data Sharing Framework Contract is in place. A deadline for submitting applications for Data Sharing Agreements detailing the individual flows has been set for **31<sup>st</sup> July 2016**.

Please be aware that data flows have recently been stopped where the necessary agreements were not in place and will be stopped for your CCG if you do not sign your Data Sharing Framework Contract or submit your applications for Data Sharing Agreements in the required timescales.

Should you have any questions about the contract or the process of moving to it, please do not hesitate to email through to [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) ensuring you quote Data Services Data Sharing Contract in the subject field of the email. Alternatively, you can call the contact centre on 0300 303 5678.

Yours sincerely,



Karen Wheeler  
**National Director: Transformation &  
Corporate Operations  
NHS England**



Martin Severs  
**Interim Executive Director of  
Information and Analytics  
Medical Director and Caldicott Guardian  
HSCIC**