

# Data Provision Notice

## Commissioning Data Sets (CDS)

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**for better health and care**

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## Background

The Health and Social Care Act 2012 (the Act) gives the Health and Social Care Information Centre, now known as [NHS Digital](#) and hereafter referred to by this name, statutory powers, under section 259(1)(a), to require data from health or social care bodies, or organisations that provide publicly funded health or adult social care in England, where it has been Directed to establish an information system by the Secretary of State for Health and Social Care or NHS England, or as part of a Mandatory Request from another organisation.

The data, as specified by NHS Digital in this published Data Provision Notice, is required to support a Direction from the Secretary of State for Health to NHS Digital. Therefore, organisations that are in scope of the notice are legally required, under section 259(5) of the Act, to continue to provide the data in the form and manner specified below.

## Purpose of the collection

**NB This Data Provision Notice (DPN) reinforces an already existing requirement for this information to be submitted to NHS Digital for an existing mandated National data collection, issued under s259 of the Health and Social Care Act. No changes to the Commissioning Data Sets (CDS) data collections or submission to NHS Digital via Secondary Uses Service (SUS+) are specified within this Data Provision Notice.**

Commissioning Data Sets are patient level data sets intended to deliver robust, comprehensive, nationally consistent and comparable person-based information on activity to support a variety of secondary use purposes (i.e. not for the direct care of the patient).

These include:

- Monitor and manage NHS service agreements
- Develop commissioning plans
- Support the Payment by Results processes
- Support NHS Comparators
- Monitor Health Improvement Programmes
- Underpin clinical governance
- Understand the health needs of the population
- Being the source of national healthcare statistics
- Research

The Department of Health requires accurate data for the following types of patient activity:

- Accident and Emergency attendances
- Outpatient Appointments (including Did Not Attends)
- Admitted Patient Care (Hospital Admissions)

This includes all secondary care activity of this nature undertaken by NHS Hospital Providers, including patients receiving private treatment, and NHS patients treated electively in the independent sector (including Any Qualified Provider) and overseas.

## Benefits of the collection

The submission of Commissioning Data Sets (CDSs) into NHS Digital facilitates a range of activities:

- Definitive source – enables collection of data once in a standard format to meet a variety of purposes
- Data Quality – ensuring submissions meet minimum data quality standards and providing feedback to providers of data on issues present in their data. Enables comparison of data quality between providers and discussions between commissioners and providers about data quality
- Payment – calculates the national tariff for the majority of secondary care services to underpin billing of commissioners for services provided to their responsible population
- Statistics – CDSs form the basis for Hospital Episode Statistics (HES), a national statistic, which is published and used to answer parliamentary questions.
- Planning – national and local organisations use CDS as the basis for annual planning rounds to assess changes in health need and use of services to inform commissioning for future years.
- HES data sourced from SUS+ and released under Data Sharing Agreement by NHS Digital to organisations, including universities, is used for research to better inform delivery of effective and efficient healthcare services in the future.

<https://digital.nhs.uk/data-and-information/data-tools-and-services/data-services/hospital-episode-statistics>

## Legal basis for the collection, analysis, publication and dissemination

Under sections 254(1) and (6), section 274(2) and section 304(9), (10), (11) and (12) ) of the Act, and Regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013, NHS Digital has been Directed by the Secretary of State for Health to establish and operate a system for the collection and analysis of information as are necessary for it to deliver the Spine services, including collecting and processing of Commissioning Data Sets data via the Secondary Uses Service (SUS+).

<https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions/spine-services-no-2-2014-direction>.

Furthermore the Health and Social Care Information Centre (HSCIC) (known as NHS Digital) has been Directed by the Secretary of State for Health via The Health and Social Care Act

2012 (Commencement No.4, Transitional, Savings and Transitory Provisions) Order 2013 to continue to establish, develop, operate, manage or maintain a system relating to the collection and dissemination of the information which had previously been Directed.

<https://www.legislation.gov.uk/ukxi/2013/160/article/9/made>

This includes collection of Commissioning Data Sets via Secondary Uses Service (SUS+). The collection and submission of CDS data is a requirement under Schedule 6 of the National Standard Contract:

This information is required by NHS Digital under section 259(1)(a) of the Health and Social Care Act 2012.

In line with section 259(5) of the Act, all organisations in scope, in England, must comply with the requirement and provide information to NHS Digital in the form, manner and period specified in this Data Provision Notice.

This Notice is issued in accordance with the procedure published as part of NHS Digital duty under section 259(8).

### **Dissemination**

Submitting organisations may access their own data submissions via the SUS+ Portal.

All other requests for dissemination of Commissioning Data Sets (CDS) data by NHS Digital will be under a Data Sharing Contract and Agreement via the Data Access Request Service (DARS) and may be scrutinised by the Independent Group Advising on the Release of Data (IGARD). This will include establishing a valid legal basis for any given dissemination.

Organisations receiving data from NHS Digital are documented in the NHS Digital Data Release Register:

<https://digital.nhs.uk/services/data-access-request-service-dars/register-of-approved-data-releases>

## **Persons consulted**

NHS Digital has, as required under section 258 of the Health and Social Care Act 2012, consulted as follows:

- Providers of NHS-funded secondary care (NHS Trusts including NHS Private Patient Units (PPUs), Independent Sector Healthcare Providers (ISHPs))
- Commissioning Organisations (Clinical Commissioning Groups (CCGs) and Commissioning Support Units (CSUs))
- NHS England – Chief Data Officer
- Internal review by NHS Digital teams

## Scope of the collection

Under section 259(1)(a) of the Health and Social Care Act 2012, this Notice is served in accordance with the procedure published as part of the NHS Digital duty under section 259(8) on:

- All secondary care providers providing NHS funded services under the Standard National Contract
- Any Qualified Providers (AQPs)
- All NHS Private Patient Units (PPUs)

In line with the national data opt-out operational policy guidance national data opt-outs will NOT apply to the submission of Commissioning Data Sets (CDS) to NHS Digital by Secondary Care Providers as the data collection is legally required under the sections of the Act mentioned above.

National data opt-outs will be applied to any dissemination of data collected via this DPN, including any products derived from such data, in line with the national data opt-out operation policy guidance.

<https://digital.nhs.uk/services/national-data-opt-out-programme/operational-policy-guidance-document>

Any dissemination of such data by NHS Digital will be subject to robust controls via the Data Access Request Service (DARS) and scrutiny from the Independent Group Advising on the Release of Data (IGARD) as necessary.

<https://digital.nhs.uk/services/data-access-request-service-dars>

### **Restricted data (including Legally Restricted)**

Legal restrictions must be applied to the processing of CDS data including the exclusion of patient information relating to In Vitro Fertilisation (IVF) and gender recognition where this information can identify the data subject:

- NHS Digital MUST NOT collect personal information about legally restricted terms relating to In Vitro Fertilisation (IVF) or Gender Recognition in line with the restrictions imposed by the Human Fertilisation and Embryology Act 1990 as amended by the Human Fertilisation and Embryology Act 2008 or the Gender Recognition Act 2004.
- In order to comply with the above Acts, any records containing procedure codes relating to IVF or Gender reassignment MUST be anonymised at source, with all patient identifiers removed, prior to submission to NHS Digital.
- The latest list of anonymous and restricted codes relevant to SUS+ which MUST be applied is available below:

[https://digital.nhs.uk/binaries/content/assets/website-assets/services/sus/sus-guidance/legally\\_restricted\\_codes.xlsx](https://digital.nhs.uk/binaries/content/assets/website-assets/services/sus/sus-guidance/legally_restricted_codes.xlsx)

- Any records containing these diagnosis or procedure codes which NHS Digital inadvertently receives will be automatically anonymised within the Secondary Uses Service (SUS+).

Under section 259(5) of the Health and Social Care Act 2012 the organisation types specified in the above Scope must comply with the Form, Manner and Period requirements below:

## Form of the collection

### Activity to be submitted

Commissioning Data Sets are patient level data sets intended to deliver robust, comprehensive, nationally consistent and comparable person-based information on activity to support a variety of secondary use purposes. CDS Types that are nationally mandated and **must** be submitted to NHS Digital via SUS+ (in accordance with the **minimum** required frequency) are detailed at the following link:

[https://www.datadictionary.nhs.uk/web\\_site\\_content/cds\\_supporting\\_information/commissioning\\_data\\_set\\_mandated\\_data\\_flows.asp?shownav=1](https://www.datadictionary.nhs.uk/web_site_content/cds_supporting_information/commissioning_data_set_mandated_data_flows.asp?shownav=1)

The importance of submission of the range of CDS types is kept under review with other national bodies and data users and this DPN supersedes all previous guidance.

The full data set specification for each CDS data set, including data items, formats, mandatory status, permitted values, and definitions are available on the NHS Data Dictionary:

[https://www.datadictionary.nhs.uk/web\\_site\\_content/cds\\_supporting\\_information/commissioning\\_data\\_set\\_version\\_6-2\\_type\\_list.asp?shownav=1](https://www.datadictionary.nhs.uk/web_site_content/cds_supporting_information/commissioning_data_set_version_6-2_type_list.asp?shownav=1)

Any organisations which are contracted to provide NHS funded care under the national standard contract for acute services are required to submit details of NHS funded activity within Commissioning Data Sets (CDS) to NHS Digital via the Secondary Uses Service (SUS+). This includes NHS Trusts, NHS Foundation Trusts, Independent Sector Healthcare Providers (ISHPs) and Any Qualified Providers (AQP). NHS Providers are also required to submit details of private patients treated within an NHS Private Patient Unit (PPU).

The CDS submission timetable is available on the NHS Digital website below:

<https://digital.nhs.uk/services/secondary-uses-service-sus/payment-by-results-guidance>

The data files will be securely submitted to NHS Digital via the Secondary Uses Service

## Manner of the collection

Commissioning Data Sets (CDS) data files should be securely submitted to NHS Digital in XML format via the Secondary Uses Service (SUS+). Providers will usually contract an XML supplier to convert the data into the correct format and submit this to SUS+.

Details of the how to submit CDS data to SUS+ is available in the guidance document on the NHS Digital website:

<https://digital.nhs.uk/binaries/content/assets/website-assets/services/sus/sus-guidance/submitting-cds-data-to-sus-v4.8.pdf>

<https://digital.nhs.uk/services/secondary-uses-service-sus/secondary-uses-services-sus-guidance>

<https://digital.nhs.uk/services/message-exchange-for-social-care-and-health-mesh>

## Period of the collection

Commissioning Data Sets (CDS) are an ongoing data collection and should continue to be submitted until notice to discontinue the data collection is formally issued by NHS Digital. Future review of CDS will assess the need to amend, deprecate or introduce new CDS types.

## Data quality

The CDS XML schema enforces a minimum level of data quality necessary to add data to the database. This is applied on landing within SUS+. Files are rejected if this minimum level of data quality is not achieved. In addition, SUS+ applies additional data quality checking to records that are accepted for processing. Data quality errors are reported to the provider of the data on a record level basis.

Data Quality Dashboards and other reports are published by NHS Digital. Details are available below:

<https://digital.nhs.uk/services/secondary-uses-service-SUS/SUS-data-quality-reporting>

## Burden of the collection

### Steps taken by NHS Digital to minimise the burden of collection

Commissioning Data Sets support the reporting of hospital activity data once from all secondary care providers to meet a wide range of national and local requirements, and as such, reduces the need for multitudes of separate burdensome data flows.

In seeking to minimise the data collection burden imposed on others, in line with sections 253 (2a) and 265(3) of the Health and Social Care Act 2012, NHS Digital has an assessment process to validate and challenge the level of burden incurred through introducing new information standards, collections and data extractions.

This assurance is carried out by the Data Standards and Assurance Service (DSAS) which assures burden assessment evidence provided as part of the overarching Data Coordination Board (DCB) process. The DCB, acting under authority of the Secretary of State, oversees the development, assurance and acceptance of information standards, data collections and data extractions for the health and social care system in England.

## Detailed burden assessment findings

This DPN relates to an existing nationally mandated data collection. There is no additional burden associated with the retrospective issuing of this Data Provision Notice.

## Help us to identify inappropriate collections

NHS Digital's Challenging Burden Service (CBS) offers a Collection Referral Service which is a simple and confidential way to allow data providers to refer data collections they feel would benefit from further scrutiny.

For more details and information on how to refer a collection, please visit:

<https://digital.nhs.uk/services/the-challenging-burden-service/collection-referral-service>

**For further information**

**[www.digital.nhs.uk](http://www.digital.nhs.uk)**

**0300 303 5678**

**[enquiries@nhs.net](mailto:enquiries@nhs.net)**

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