

# COVID-19 Vaccine Data NHS Digital and NHS England Joint Controllership and Collaboration Protocol

V1.1 10 February 2021

## 1 Background

NHS England is the controller under the General Data Protection Regulation (**GDPR**) for the Point of Care Vaccine Status Data and Adverse Reaction Data (**Vaccine Data**) collected from Point of Care Vaccination Sites as part of the COVID-19 Vaccination Programme. NHS Digital processes this data as a processor, on behalf of NHS England in relation to certain activities, including passing the information back to GP Suppliers to upload this into GP records.

Copies of the Vaccine Data are held by NHS England in the National Immunisation Management System (**NIMS**), which NHS Digital does not process, and in the NHS Digital Data Processing Services platform (**DPS**), for the data which NHS Digital processes on behalf of NHS England.

## 2 NHS Digital to become Joint Controller with NHS England for the data held in DPS

There have been a number of requests received by NHS Digital for NHS Digital to link the Vaccine Data to other data for which it is a controller under COVID-19 Directions, or other Directions issued under section 254 of the Health and Social Care Act 2012 (**2012 Act**).

It is critical for the health and social care system and for researchers, including those commissioned by NERVTAG and SAGE on high priority COVID-19 research into the safety and efficacy of the COVID-19 vaccines, that it is as straightforward as possible to obtain access to relevant datasets. NHS Digital has existing capability to analyse and link datasets to respond to requests for data from a number of commissioners, including NHS England, the Department of Health and Social Care and researchers. In many of these cases the Vaccine Data needs to be linked to existing NHS Digital datasets. It has therefore been agreed that for the benefit of the whole health and social care system, NHS Digital becomes **joint controller** with NHS England of the Vaccine Data in relation to its processing of the Vaccine Data outside the COVID-19 Vaccination Programme.

NHS England remains a sole controller of the Vaccine Data which it also holds and processes in its own systems e.g. in NIMS and Pinnacle and for all processing as part of the COVID-19 Vaccination Programme. NHS Digital remains a processor for NHS England in relation to all previously agreed relevant data flows as part of the COVID-19 Vaccination Programme, including e.g. the onward dissemination of Vaccine Data to GP system suppliers sourced from DPS.

However, it has been agreed that NHS Digital will become a joint controller with NHS England under the [COVID-19 Public Health \(NHS England\) Directions 2020](#) in order that

NHS Digital can effectively respond to requests from various commissioners and other requesters, including researchers, to link Vaccine Data to other datasets and share the linked data for COVID-19 purposes.

### 3 Legal Basis for requesting the data from NHS England

The Vaccine Data is already held by NHS Digital, so no new data collection system is required. However, NHS Digital needs a legal basis to process the data which it currently holds only as a processor on behalf of NHS England. NHS England has therefore requested NHS Digital to analyse, publish and disseminate the Vaccine Data under the COVID-19 Directions, subject to certain requirements. A copy of this request is set out in the [Annex](#) to this Protocol.

NHS Digital has also published a Data Provision Notice which contains this Protocol.

### 4 Collaboration Protocol

It is recognised and acknowledged by both NHS Digital and NHS England that the Vaccine Data is sensitive and it is important that the analysis, linkage, publication and sharing of Vaccine Data by NHS Digital is appropriate. It is also critically important that the publication of any Vaccine Data is coordinated and appropriately managed as NHS England is the sole source of the Vaccination Data for statistical and governmental reporting purposes, and therefore has overall control over the timing and manner of publication of the Vaccine Data.

NHS England and NHS Digital have therefore agreed to work collaboratively together in accordance with the following protocol in relation to the processing by NHS Digital of the Vaccine Data:

- All requests for access to the Vaccine Data will be directed or re-directed to the NHSX Front Door process, where they will be triaged and passed on;
- NHS Digital and NHS England will work with the NHSX Front Door to ensure there are real time reports in place which capture the nature of the requests for access to the Vaccine Data and who they have come from, which can be accessed by both NHS England and NHS Digital;
- NHS Digital and NHS England will agree dedicated points of contact to discuss all requests for access to Vaccine Data;
- NHS Digital will not publish any Vaccine Data or linked dataset containing Vaccine Data unless NHS England has requested this or NHS England and the COVID-19 Vaccination Programme first agrees;
- NHS Digital will publish an agreed Data Provision Notice and a Privacy Notice in relation to the Vaccine Data so there is transparency in relation to the purpose for which it will process the data and to distinguish from its role as processor under the COVID-19 Vaccinations Programme;
- NHS England will also update its Privacy Notice for the COVID-19 Vaccination Programme with wording agreed by the parties to reflect it is sharing the Vaccine Data with NHS Digital;

- NHS Digital will produce a Data Protection Impact Assessment for its processing of the Vaccine Data and share this with NHS England. This will include an agreed joint controllership table reflecting the requirements of Article 26 of GDPR;
- It is anticipated that most requests for access to the Vaccine Data held by NHS Digital will be processed through the NHS Digital [Data Access Request Service](#) and will be subject to a standard NHS Digital Data Sharing Agreement. Where Vaccine Data is needed very urgently or relates to the analysis or publication of the Vaccine Data, the NHS Digital Fast Track COVID-19 Approval process will be used. This requires approval to share the Vaccine Data to be provided by the NHS Digital Caldicott Guardian, Senior Information Risk Officer and the Executive Director of Data Services, following advice from the Privacy, Transparency and Ethics Team. Where a dissemination of the Vaccine Data occurs, this will also generally be supported with a Letter of Release;
- NHS Digital will publish information in its Data Release Register in relation to all dissemination of the Vaccine Data, including who data was shared with and for what purposes;
- NHS Digital and NHS England will both appoint day to day contacts for discussing and agreeing use and sharing of Vaccine Data and for managing this Protocol. In the event of any disagreements, matters will be promptly escalated to Jem Rashbass at NHS Digital, Ming Tang at NHS England and Adrian Stanbury, Director – Tech and Data Workstream on the COVID-19 Vaccination Programme.
- NHS Digital will provide monthly reports to the COVID-19 Vaccination Programme Board on all requests for analysis, publication and dissemination of Vaccine Data.

## 5 Changes

This Joint Controllership Collaboration Protocol can be updated by NHS Digital and NHS England as they agree from time to time.

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## Annex – NHS England request made under the COVID-19 Directions

9 February 2021

Dear Sarah,

As part of the response to the COVID-19 pandemic, NHS England has been commissioned by the Secretary of State for Health and Social Care to operate the COVID-19 Vaccination Programme. As part of the Programme, NHS Digital acts as a processor of Vaccination Status Data and Adverse Events Data (the **Vaccine Data**) for NHS England, a copy of which is stored in the NHS Digital Data Processing Service (**DPS**). There is a need for the Vaccine Data to be made available to a number of organisations for COVID-19 purposes and therefore NHS England and NHS Digital have agreed that NHS Digital should also become a joint Controller of the Vaccine Data held in DPS with NHS England under the COVID-19 Public Health (NHS England) Directions 2020 (**COVID-19 Directions**) to facilitate the analysis, linkage and dissemination of the Vaccine Data to requestors who have an appropriate legal basis to process it. This will maximise the efficiency of dissemination of the Vaccine Data for the benefit of the healthcare system and urgent COVID-19 research, including research into the efficacy of COVID-19 vaccines.

NHS England therefore requests NHS Digital under the COVID-19 Directions to:

1. Analyse the Vaccine Data which is held by NHS Digital in the DPS in accordance with the COVID-19 Directions, including analysis through linking the Vaccine Data to other data in respect of which NHS Digital is a controller. This would create Linked Vaccine Data.
2. Publish the Vaccine Data or any Linked Vaccine Data, including aggregate data where either requested to do so by NHS England or where NHS England and the COVID-19 Vaccination Programme have first consented to the publication. Consent is required as NHS England is the sole source of the Vaccine Data for statistical and governmental reporting purposes and controls the timing and manner of publication of the Vaccine Data.
3. Disseminate the Vaccine Data or Linked Vaccine Data to those who request it, using NHS Digital's statutory functions to disseminate the data, including under the COVID-19 Directions and the NHS Digital COPI Notice provided that:
  - the Vaccine Data is only disseminated to a requester that already processes data it has previously obtained from NHS Digital, or NHS England consent to the dissemination of unlinked Vaccine Data, and
  - the requester has made a request for the data through the NHSX Front Door process. This includes any requests made by NHS England or NHS Improvement.

NHS England and NHS Digital have agreed to work together in relation to requests made to either of them for access to Vaccine Data or Linked Vaccine Data in accordance with the

attached Joint Controllership and Collaboration Protocol, which may be updated as we agree from time to time.

Many thanks for NHS Digital's support in this important next step in relation to the COVID-19 pandemic response and vital COVID-19 research.

Kind regards,

Ming Tang