

Data Provision Notice

Data Provision Notice Data Services for Commissioners

Information Asset Owner: Data Services for Commissioners

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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.

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

Purpose of the collection

NHS Digital has been directed by NHS England to establish and operate an information system for the collection and analysis of local commissioning data, clinical registry data and historic Primary Care Trust (PCT) data to deliver data services for commissioners¹.

Commissioners of healthcare services need to plan and commission healthcare services in their local area through analysis of actual and projected use of those services.

Commissioners require an intermediary service that specialises in processing, analysing and packaging patient information into a format they can legally use. This intermediary service is provided by the Data Services for Commissioners Programme through the Data Services for Commissioners Regional Offices (DSCROs).

Further information about this programme is available below:

<https://digital.nhs.uk/services/data-services-for-commissioners-dsfc>

The purposes of the collection and analysis are:

1. Monitoring and audit of health care provision and outcomes where such provision has been made;
2. Analysis of health care provision to ensure effective pathways, use of resources and capacity;
3. Establishing population health needs for strategic delivery planning;
4. Planning and administration of the provision made for health and health related care;

¹ <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/nhs-england-directions/establishment-of-information-systems-for-nhs-services-data-services-for-commissioners-directions-2015>

5. Identifying individuals with a high risk of suffering adverse consequences from infection, or whose immunisations are not up to date, with the aim of contacting them to offer an immunisation appointment;
6. Analysing demographic and health profiles for pandemic emergency planning.

The information collected will be processed by the Data Services for Commissioners Programme before dissemination to Commissioners in accordance with their individual Data Sharing Agreements.

Benefits of the collection

Benefits delivered by the Data Services for Commissioners collections are:

- More timely access to data for Commissioners, allowing more rapid insight and response.
- Commissioner access to additional data items beyond those included in national disseminations. This allows Commissioners to respond to local need in a timely fashion.
- Access for Commissioners to Clinical Registries which link data across complex care pathways. The results provide access to accurate and comparative data so that care can be assessed against agreed clinical standards and used to improve patient outcomes and to support a variety of other initiatives.

Legal basis for the collection, analysis, publication and dissemination

Collection

Under section 254 of the Act, NHS Digital has received Directions from NHS England to establish and operate a system for the collection and analysis of Local Commissioning Data, Clinical Registry Data and Historic PCT Data to deliver Data Services for Commissioners, as further described and specified below:

1. NHS Digital is directed to establish and operate systems for the collection of Local Commissioning Data from a Health Service Provider in accordance with the Directions;
2. NHS Digital is directed to establish and operate systems for the collection of Clinical Registry Data that are necessary to produce Required Commissioning Contract Data for a Relevant Body (defined in the Directions);
3. NHS Digital is directed to establish and operate systems for the collection of Historic PCT Data and to retain and carry out analysis of that data in line with the Directions to produce the Required Commissioning Contract Data for a Relevant Body which has requested Data Services for Commissioners;
4. NHS Digital is directed to put in place a system for managing and responding to requests from Relevant Bodies for Data Services for Commissioners as provided for in sub-paragraphs (1), (2) and (3) above.

The signed Directions are available here:

<https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/nhs-england-directions/establishment-of-information-systems-for-nhs-services-data-services-for-commissioners-directions-2015>

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).

Analysis

NHS Digital will:

1. Analyse Local Commissioning Data and Clinical Registry Data in such manner as it reasonably determines is appropriate to produce Required Commissioning Contract Data for the Relevant Body (defined in the Directions), including analysis through linking Local Commissioning Data to Clinical Registry Data and to National Commissioning Data and other data held by NHS Digital;
2. Carry out such other analysis of Local Commissioning Data and/or Historic PCT Data as it considers appropriate in order to produce Required Commissioning Contract Data, which is requested by the Relevant Body, for the purposes of performing any of the functions specified in the Directions;
3. Produce Required Commissioning Contract Data in a form required for dissemination in accordance with the Directions.

Publication

In accordance with section 260(2)(d) of the Health and Social Act 2012, NHS Digital has been directed not to publish the data collected or analysed under the Data Services for Commissioners Directions 2015.

Dissemination

NHS Digital will disseminate Data Services for Commissioners data to Commissioners in accordance with individual Data Sharing Agreements (DSA). The DSA will state the legal basis for each dissemination.

Data Services for Commissioners data may be linked with some or all other data sets approved for dissemination to Commissioners. Any linkage will be specified in the DSA.

Any dissemination by NHS Digital will apply National Data Opt-Outs, in accordance with the DSA.

All DSAs will be approved by the Data Access Request Service (DARS). The DARS approval includes independent advice from the Independent Group Advising on the Release of Data (IGARD).

Persons consulted

Following receipt of Directions to establish and operate a system for the collection and analysis of local commissioning data, clinical registry data and historic Primary Care Trust (PCT) data, NHS Digital has, as required under section 258 of the Health and Social Care Act 2012, consulted as follows:

- NHS England
- Clinical Commissioning Groups
- Commissioning Support Units
- Data Services for Commissioners Regional Offices
- Providers of Data Services for Commissioners data.

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:

- Any Provider which has contracted with a Commissioner to provide Local Collections reported Locally, specified in [Schedule 6 of the National Contract](#).

In line with the national data opt-out operational policy guidance², National Data Opt-outs will NOT apply to submission of the data to NHS Digital.

The scale and scope of collections are estimated at 2,400 per DSCRO per month.

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

The specification, format and frequency of all Local Collections will be agreed between Provider and Commissioner in [Schedule 6a of the National Contract](#) – Local Requirements reported Locally. All submissions between any Provider and Commissioner pairing will be specified in an individual contract between each pair.

Manner of the collection

All local flows of record level confidential patient information must flow to an NHS Digital Data Services for Commissioners Regional Office (DSCRO) for processing before onwards dissemination to the relevant commissioner. The method of transmission to the DSCRO is the Data Landing Portal (DLP) in accordance with the National Contract. During the

² <https://digital.nhs.uk/services/national-data-opt-out/operational-policy-guidance-document>

transition period to full DLP uptake, other currently used, approved, secure transport mechanisms may continue to be used. These methods must be agreed with the receiving DSCRO and include NHSmail, MESH and approved DSCRO portals.

The only exception is Invoice Validation backing data flowing directly to a Controlled Environment for Finance (CEfF) which will continue to be emailed to the approved CEfF email address. The approved [list](#) of CEfFs is controlled by NHS England.

Period of the collection

This is an on-going collection which will continue for the duration of the Directions.

Data quality

Data Quality requirements are set out in Schedule 6.

Burden of the collection

Steps taken by NHS Digital to minimise the burden of collection

In discharging its statutory duty to seek to minimise the burden it imposes on others NHS Digital has:

- Introduced the Data Landing Portal (DLP) to deliver a single submission method for Local Flows collected Locally.
- Instructed DSCROs to review DLP submission specifications to develop consistent provider submission methods.
- Started reviewing National Data Collections to capture additional data items required by Commissioners to reduce the requirements for local flows.

In seeking to minimise the burden it imposes on others, in line with sections 253(2)(a) 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 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

The scale of the DSCRO local collections are out of scope for formal assurance and burden assessment at this stage.

For further information

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