



Iechyd a Gofal
Digidol Cymru
Digital Health
and Care Wales

Tŷ Glan-yr-Afon
21 Heol Ddwyreiniol Y
Bont-Faen, Caerdydd
CF11 9AD

Tŷ Glan-yr-Afon
21 Cowbridge Road
East, Cardiff
CF11 9AD

Digital Health & Care Wales
Ty Glan y Afon
21 Cowbridge Rd East
Cardiff
CF11 9AD

Mr. Simon Bolton
Interim Chief Executive
NHS Digital
1 Trevelyan Square
Boar Lane
Leeds
LS1 6AE

10th June 2021

Dear Simon,

1. Section 255 Health and Social Care Act 2012: Overseas Visitors (Wales) – Information related to entitlement to healthcare services 2021

1.1 I am writing on behalf of Digital Health and Care Wales (**DHCW**) to make a Request to the Health and Social Care Information Centre, now known as and referred to in this letter as **NHS Digital**.

1.2 This Request is made under section 255(1) and section 256(2)(c) of the Health and Social Care Act 2012¹ (**the 2012 Act**).

1.3 This Request is to be known as the **Overseas Visitors (Wales) – Information related to entitlement to healthcare services 2021** and comes into force on the date signed.

2. Relevant functions and duties - The Welsh Government, Digital Health and Care Wales

2.1 The Immigration (Health Charge) Order 2015 (**2015 Order**),² made under sections 38 and 74(8) of the Immigration Act 2014³ (**2014 Act**), is UK-wide legislation which requires any person who applies for entry clearance of a

¹ 2012 c.7

² 2015 No.792

³ 2014 c. 22

02920 500 500

igdc.gig.cymru | dhcw.nhs.wales

type mentioned in section 38(2)(b) or (c) of the 2014 Act; or leave to remain in the UK for a limited period, to pay a specified annual amount to access healthcare services across the UK as an ordinary resident (unless they are exempt pursuant to article 7 of the 2015 Order).

- 2.2 The National Health Service (Charges to Overseas Visitors) Regulations 1989⁴ (**the 1989 Regulations**) (as amended) place a legal obligation on Local Health Boards (**LHBs**) and NHS Trusts (**Charging Bodies**) in Wales to make and recover charges from overseas visitors (namely, persons not ordinarily resident in the UK) for the provision of services forming part of the health service, unless the relevant Charging Body determines, by means of such enquiries as it is satisfied are reasonable in all the circumstances, that such person is otherwise exempt from such charges pursuant to the 1989 Regulations. Charging Bodies are therefore required to establish, among other things, whether a person to whom they provide NHS hospital services is a formally settled resident in the UK. The data to be collected and analysed for the purposes of this Request, as further detailed at paragraph 4.1 below, (**status data**) will assist Charging Bodies to meet their obligations under the 1989 Regulations.
- 2.3 DHCW is a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006⁵ (**the 2006 Act**) and by the Digital Health and Care Wales (Establishment and Membership) Order 2020⁶ (**Establishment Order**). DHCW sits alongside the current seven LHBs and three NHS Trusts and its role relates to the provision of digital platforms, systems and services and supporting the improvement of such systems and any such other functions as the Welsh Ministers may direct so as to secure the provision or promotion of services under the 2006 Act.
- 2.4 In accordance with the Establishment Order, DHCW has been directed by the Welsh Ministers under the Digital Health and Care Wales (No.2) Directions 2021 (**the 2021 Directions**) to carry out functions in relation to the provision or promotion of effective digital platforms, systems and services, including arrangements for the digital collection, storage, processing, analysis, use and dissemination of health service data (being data processed for or in connection with the provision or promotion of services under the 2006 Act).

⁴ 1989 No.306

⁵ 2006 c. 42

⁶ SI 2020/1451 (W. 313)



3. Purpose

- 3.1 The purpose of this Request (**Purpose**), made pursuant to the 2021 Directions, is to enable DHCW to discharge its functions under the 2021 Directions which in turn will, specifically, support Charging Bodies in Wales to comply with their legal obligations under the 1989 Regulations as described at paragraph 2.2 above. Specifically, the status data that will be obtained by DHCW pursuant to this Request will enable a Charging Body to operate a system of checking certain UK residents' settled status (see paragraph 3.2 below) where they are seeking to access healthcare services within Wales and enable verification of entitlement to NHS hospital services under the terms of the 1989 Regulations.
- 3.2 Charging Bodies will through DHCW, be able to carry out checks against status data provided to NHS Digital by the Home Office which is held on the Patient Demographics Service (**PDS**) and operated by NHS Digital. The scope of this provision is limited to visitors and migrants in the European Union Settlement Scheme ('**EUSS**'), Future Border and Immigration System (**FBIS**) cohorts, or who have paid the Immigration Health Surcharge (**IHS**) (or are exempt from, or subject to a waiver from paying the surcharge).

4. Establishing and operating information systems for this Request

- 4.1 Pursuant to section 255(1) of the 2012 Act, DHCW requests that NHS Digital establishes and operates an information system for the collection and analysis of information relating to visitors and migrants as described in paragraph 3.2. The system is to be known as the **Overseas Visitors (Wales) Information System**. This will comprise the following elements:
- 4.1.1 Collect the data as described in Annex 1 from the Home Office for the purpose of reconciliation of a person's Home Office information with their NHS Number.
- 4.1.2 Collect the data as described in Annex 2 from the Home Office for the purpose of confirming Immigration Status to assist Charging Bodies to determine a person's eligibility for healthcare benefits.
- 4.1.3 Provide the above data to Charging Bodies to support the appropriate charging for healthcare services within Wales by checking all UK residents' status at the point of care.
- 4.2 DHCW requests that NHS Digital carry out the collection, analysis and dissemination of the relevant data in accordance with the specification (MV - DHCW High Level Requirements v1.0, dated 27-May-2021) as the same



may be updated in writing between NHS Digital and DHCW from time to time (**Specification**).

- 4.3 Pursuant to section 262(4) of the 2012 Act, DHCW requests that NHS Digital exercises its powers under section 261(4) of the 2012 Act to share the relevant data it has obtained from the Home Office with DHCW as described and in accordance with the Specification, for the purpose of enabling DHCW to exercise its functions under the Establishment Order and the 2021 Directions.

5. Requirement for this Request

- 5.1 In accordance with section 255(2) of the 2012 Act, DHCW considers that the information which could be obtained by DHCW by NHS Digital complying with this Request is information which is necessary or expedient for DHCW to have in relation to the exercise of DHCW's functions in connection with the provision of health care in Wales, and in particular to enable the DHCW to comply with its functions under the Establishment Order and the 2021 Directions by supporting Charging Bodies to comply with their legal obligations under the 1989 Regulations.
- 5.2 Under section 256(1) of the 2012 Act, this Request is a confidential collection request as the information collected will enable the identity of an individual to be ascertained. DHCW can request the collection of this confidential information because in accordance with section 256(2)(c) of the 2012 Act, it is information that can lawfully be disclosed by the Secretary of State for the Home Department (**Secretary of State**) to DHCW or to NHS Digital pursuant to the Secretary of State's common law powers relevant to exercising its functions under section 38 of the 2014 Act and under the 2015 Order in respect of the implementation and operation of the immigration health charge which is referred to in paragraph 2.1 of this Request.
- 5.3 In accordance with section 257(4) of the 2012 Act, DHCW has consulted with NHS Digital before making this Request.

6. Fees

DHCW hereby acknowledges that in submitting this Request, NHS Digital is entitled to charge a reasonable fee pursuant to section 257(3) of the 2012 Act.

7. Duration

NHS Digital is requested to operate the Overseas Visitors (Wales) Information System (the **Requested Function**) unless and until the collection arrangements referred to at paragraphs 4.1 are no longer facilitated by the Home Office, or until requested in writing by an authorised officer of DHCW on reasonable notice to

02920 500 500

igdc.gig.cymru | dhw.nhs.wales



Iechyd a Gofal
Digidol Cymru
Digital Health
and Care Wales

Tŷ Glan-yr-Afon
21 Heol Ddwyreiniol Y
Bont-Faen, Caerdydd
CF11 9AD

Tŷ Glan-yr-Afon
21 Cowbridge Road
East, Cardiff
CF11 9AD

suspend and/or permanently cease the Requested Function, whichever is the sooner. Where the Requested Function is to cease, such written request will also revoke this section 255 Request in accordance with the timescales and arrangements to be agreed with NHS Digital.

8. Review of this Request

This Request will be reviewed when the Specification is amended. This review will include consultation with NHS Digital as required by section 257(4) of the 2012 Act.

Yours sincerely,

A handwritten signature in grey ink that reads 'Helen Thomas'.

Helen Thomas

Chief Executive Officer

02920 500 500

igdc.gig.cymru | dhcw.nhs.wales

Annex 1: Data Set collected from the Home Office for the purpose of reconciliation of a person's Home Office record with their NHS Number

Provision of information from the Home Office to NHS Digital is transitioning from a weekly transfer (the **IHS feed**) to a continuous transfer (the **DigitalStatusChecker feed**). There are some differences in the detail of information provided.

Field	Note
<ul style="list-style-type: none"> • Check ID 	DigitalStatusChecker feed only
<ul style="list-style-type: none"> • Home Office Reference - Home Office generated reference for the person's identity 	
<ul style="list-style-type: none"> • Date and time the demographics were captured • The type of demographics • Information pertaining to how the demographics were captured (e.g., supplied by the applicant or supplied by an HO case worker) 	DigitalStatusChecker feed only
<ul style="list-style-type: none"> • The individual's current and historic demographics: <ul style="list-style-type: none"> ○ Given name (Forename) ○ Family name (Surname) ○ Full name ○ Sex⁷ ○ Date of Birth 	IHS feed has provision for a single alias, DigitalStatusChecker feed supports multiple.
<ul style="list-style-type: none"> • The individual's current and historic addresses: <ul style="list-style-type: none"> ○ Date and time the address was captured ○ An optional start date at that address ○ An optional end date at that address ○ Address line 1 ○ Address line 2 ○ Address line 3 ○ Address line 4 ○ City or Town ○ Postal Code ○ Country 	IHS feed has provision for 1 address, DigitalStatusChecker feed supports multiple.
<ul style="list-style-type: none"> • The individual's current and historic email address: <ul style="list-style-type: none"> ○ Date and time the email address was captured ○ The email address • The individual's current and historic phone numbers: <ul style="list-style-type: none"> ○ Date and time the phone number was captured 	DigitalStatusChecker feed only

⁷ Sex reflects a person's sex as recorded on administrative documents (e.g. Birth Certificate, Gender Recognition Certificate, Passport etc) it maps to the Gender field used on PDS that excludes a clinical description of a person's sex.



GIG
CYMRU
NHS
WALES

Iechyd a Gofal
Digidol Cymru
Digital Health
and Care Wales

Tŷ Glan-yr-Afon
21 Heol Ddwyreiniol Y
Bont-Faen, Caerdydd
CF11 9AD

Tŷ Glan-yr-Afon
21 Cowbridge Road
East, Cardiff
CF11 9AD

o The phone number

02920 500 500

igdc.gig.cymru | dhcw.nhs.wales

Annex 2: Status data collected from the Home Office for the purpose of confirming Immigration Status to assist DHCW to determine a person's eligibility for healthcare benefits.

Provision of information from the Home Office to NHS Digital is transitioning from a weekly transfer (the **IHS feed**) to an 'on-demand' transfer (the **DigitalStatusChecker feed**). There are some differences in the detail of information provided.

Field	Note
<ul style="list-style-type: none"> • Check ID 	DigitalStatusChecker feed only
<ul style="list-style-type: none"> • Healthcare status values pertaining to the requested date: <ul style="list-style-type: none"> ○ Product type – under which status was granted ○ Immigration status –type of leave person holds 	DigitalStatusChecker feed only
<ul style="list-style-type: none"> • Healthcare status: <ul style="list-style-type: none"> ○ Current Surcharge Status 	IHS feed only
<ul style="list-style-type: none"> • Start date of the status. • End date of the status. 	
<ul style="list-style-type: none"> • Healthcare status – person's right to access Healthcare in UK free of charge, as per Home Office Policy. 	DigitalStatusChecker feed only

Data collected from the Home Office will be passed unchanged to DHCW.