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Iechyd a Gofal
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and Care Wales

Tŷ Glan-yr-Afon
21 Heol
Ddwyreiniol Y
Bont-Faen,

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

Simon Bolton
Chief Executive
NHS Digital
7 & 8 Wellington Place
Leeds
West Yorkshire
LS1 4AP

30th July 2021

Dear Simon,

1. Section 255 Health and Social Care Act 2012: National Diabetes Audit for NHS Wales 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 **National Diabetes Audit for NHS Wales 2021** and comes into force on the date signed.

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

- 2.1 DHCW is a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006² (**the 2006 Act**) and by the Digital Health and Care Wales (Establishment and Membership) Order 2020³ (**Establishment Order**).

¹ 2012 c.7

² 2006 c. 42

³ SI 2020/1451 (W. 313)



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DHCW sits alongside the current seven Local Health Boards 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.

- 2.2 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).

3. Purpose

The purpose of this Request (**Purpose**), made pursuant to the 2021 Directions, is to support participating NHS services and organisations in Wales (**Relevant Organisations**) to improve the quality of diabetes care by enabling them to:

- assess local practice against National Institute for Health and Care Excellence (NICE) guidelines;
- compare their care and outcomes with similar services and organisations;
- identify gaps or shortfalls that are priorities for improvement;
- identify and share best practice;
- provide comprehensive national pictures of diabetes care and outcomes in Wales.

4. Establishing and operating information systems for the National Diabetes Audit for NHS Wales

- 4.1 Under section 255(1) of the 2012 Act, DHCW requests that NHS Digital establishes and operates an information system, to be known as the **National Diabetes Audit for NHS Wales Information System**, for the collection and analysis of information relating to people with diabetes in Wales.
- 4.2 This request is a confidential information collection request within the terms of section 256(1)(b) of the 2012 Act because the information that will be collected will enable the identity of an individual to be ascertained.

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- 4.3 In accordance with 256(2)(c) of the 2012 Act, DHCW confirms that the information may be lawfully disclosed to DHCW by Relevant Organisations in accordance with the instruction (Collection of data for secondary use purposes by Digital Health and Care Wales) from the Welsh Government to DHCW issued on 31 March 2021, for DHCW to collect, process, use and disseminate health service data for secondary use purposes including regarding the National Clinical Audits, to support the improvement of health and care for Welsh residents.
- 4.4 Under 255(1) of the 2012 Act, NHS Digital is requested to analyse the information collected pursuant to and/or obtained by NHS Digital complying with this Request, as may be requested by DHCW or as NHS Digital determines is necessary to achieve the Purpose.
- 4.5 Such analysis referred to in paragraph 4.4 above includes:
- 4.5.1 analysis by reference or linkage to other data obtained by NHS Digital under any other request made under section 255 of the 2012 Act, or under a direction made under section 254 or any other lawful basis where NHS Digital is a controller⁴ of the other data;
- 4.5.2 analysis for data quality purposes, including undertaking comparison and consistency analysis of the same or similar information obtained through other information systems established by NHS Digital under any other request made under section 255 or direction under section 254 of the 2012 Act, and taking such steps as NHS Digital considers appropriate to maintain data quality, accuracy and consistency of information it has obtained under this Request and across all information systems.
- 4.6 The information to be collected and analysed is set out within the National Diabetes Audit Programme Requirement Specification as published on the NDA website⁵ which may be updated periodically by NHS Digital in compliance with The Health and Social Care Information Centre (Establishment of Information Systems for NHS Services: National Diabetes Audit) Directions 2017⁶ (the **Requirements Specification**).

⁴ As defined in Article 4(7) of the UK General Data Protection Regulation 2016

⁵ <https://digital.nhs.uk/data-and-information/clinical-audits-and-registries/national-diabetes-audit>

⁶ Directions issued to NHS Digital by NHS England in respect of providers in England - <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-national-diabetes-audit-directions-2017>

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4.7 DHCW requests that NHS Digital collects the information from Relevant Organisations that deliver the services that are listed in the Inclusion Criteria paragraphs respectively for each audit described in the Requirements Specification and analyses the information collected in accordance with the Requirements Specification.

5. Dissemination

Any information collected or analysed as a result of this Request may be disseminated by NHS Digital in accordance with its powers under section 261 of the 2012 Act.

6. Requirement for this Request

6.1 In accordance with section 255(2) of the 2012 Act, DHCW considers that the information which could be obtained 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 pursuant to the 2021 Directions.

6.2 In accordance with section 257(4) of the 2012 Act, DHCW has consulted with NHS Digital before making this request.

7. Fees

Pursuant to section 257(3) of the 2012 Act, NHS Digital is entitled to charge a person a reasonable fee in respect of the cost of NHS Digital complying with this Request. Fees for Welsh participation are included within the funding for the wider National Diabetes Audit Programme, which are chargeable to NHS England or, should the National Diabetes Audit Programme cease to be funded by NHS England, fees will be chargeable to DHCW.

8. Duration

NHS Digital is requested to operate the National Diabetes Audit for NHS Wales Information System (the **Requested Function**) unless and until requested in writing by an authorised officer of DHCW on reasonable notice to suspend and/or permanently cease the Requested Function. 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.

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9. Review of this Request

This Request will be reviewed when the Requirements Specification is amended. This review will include consultation with NHS Digital.

Yours sincerely,

Signed by authority of Digital Health and Care Wales

Prof. Helen Thomas

Chief Executive

Digital Health & Care Wales

Date signed: 30/07/2021