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Iechyd Cyhoeddus  
Cymru  
Public Health  
Wales

**Iechyd Cyhoeddus Cymru**

Rhif 2 Capital Quarter, Stryd Tyndall,  
Caerdydd CF10 4BZ

**Public Health Wales**

Number 2 Capital Quarter, Tyndall  
Street, Cardiff CF10 4BZ

Ms Sarah Wilkinson  
Chief Executive  
NHS Digital  
1 Trevelyan Square  
Boar Lane  
Leeds  
LS1 6AE

22 April 2020

Dear Ms Wilkinson,

## 1. **Covid-19 Public Health Wales Non-Mandatory Request**

- 1.1 I am writing on behalf of Public Health Wales to make a Request to the Health and Social Care Information Centre, known as and hereafter referred to in this Request as **NHS Digital**.
- 1.2 This Request is made under section 255(1) and section 256(2) of the Health and Social Care Act 2012<sup>1</sup> (**the 2012 Act**).
- 1.3 This Request is to be known as the Covid-19 Public Health Wales Request 2020 and comes into force on the date signed.

## 2. **Relevant functions and duties**

- 2.1 Public Health Wales was established by the Public Health Wales National Health Service Trust (Establishment) Order 2009<sup>2</sup> (**the 2009 Order**), made under the section 18(1) of the National Health Service Wales Act 2006<sup>3</sup>. Relevant duties and functions of Public Health Wales include:

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<sup>1</sup> 2012 c.7

<sup>2</sup> 2009 No. 2058 (W.177)

<sup>3</sup> 2006 c.42

- 2.1.1 providing services relating to the surveillance, prevention and control of communicable diseases, and
- 2.1.2 undertaking the systematic collection, analysis and dissemination of information about the health of the people of Wales.

### 3. Purpose

- 3.1 The purpose of the request (**Purpose**) is to enable NHS Digital to support Public Health Wales' response to Covid-19 and support various Covid-19 purposes for Wales, including those set out below (**COVID-19 Purposes**), through establishing and operating information systems at the request of Public Health Wales, to collect and analyse data in connection with Covid-19.
- 3.2 Such Covid-19 Purposes are to be carried out in relation to the health service in Wales and may include but are not limited to the following purposes:
  - 3.1.2 understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
  - 3.1.3 identifying and understanding information about patients or potential patients with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19;
  - 3.1.4 understanding information about patient access to NHS services as a direct or indirect result of Covid-19 and the availability and capacity of those services;
  - 3.1.5 monitoring and managing the response to Covid-19 by NHS bodies and the Government including providing information to the public about Covid-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within NHS services;
  - 3.1.6 delivering services to patients, clinicians, the NHS workforce and the public about and in connection with Covid-19, including the provision of information, isolation notes and the provision of NHS services; and
  - 3.1.7 research and planning in relation to Covid-19.

#### 4 **Establishing and operating information systems for the Covid-19 Public Health Wales data collection**

- 4.1 Under section 255(1) of the 2012 Act, Public Health Wales requests that NHS Digital establishes and operates an information system for the collection and analysis of information as requested in writing from Public Health Wales from time to time for Covid-19 Purposes, in the manner provided for below. Such systems are to be known as the **Covid-19 Public Health Wales Information Systems**.
- 4.2 Pursuant to sections 255(1) of the 2012 Act, at the request of Public Health Wales NHS Digital is requested to analyse information:
  - 4.2.2 collected pursuant to this Request, and/or
  - 4.2.3 obtained by NHS Digital complying with this Request and any other request made by Public Health Wales under section 255 or where lawful, obtained by NHS Digital under a direction under section 254 of the 2012 Act, or on any other lawful basis where NHS Digital is a controller of the data.
- 4.3 Such analysis referred to above includes analysis requested by Public Health Wales by reference to or by linkage to information obtained by NHS Digital where lawful.

#### 5 **Confidential Information Request**

- 5.1 This Request may be a confidential information collection request within the terms of section 256(1) of the 2012 Act because the information that may be collected will enable the identity of an individual to be ascertained.
- 5.2 In relation to each specific request Public Health Wales makes under paragraph 4 of this Request that is also a confidential information collection request under section 256(1), Public Health Wales will demonstrate to NHS Digital how section 256(2) of the 2012 Act will be met. Depending on the nature of the collection and analysis, this may be met under section 256(2)(b) through the [Notice](#) issued by the Secretary of State for Health and Social Care under regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 which requires organisations to process confidential information where required for certain COVID-19 purposes explained in that Notice.
- 5.3 Public Health Wales will, when making requests under paragraph 4 above send a request to the NHS Digital COVID-19 Data Service at [datarequestcovid19.nhsdigital@nhs.net](mailto:datarequestcovid19.nhsdigital@nhs.net). The request should identify the data to be collected and describe the required analysis and linkage to be carried out by NHS Digital. It should also set out how section 256(2) of the 2012 Act will be satisfied as required by paragraph 5.2 above. This should include identifying which of section 256(2)(b) or (c) applies and setting out

the relevant statutory provisions which provide authority for the collection and how the common law duty of confidentiality would be met.

- 5.4 Where Public Health Wales is also requesting NHS Digital to disseminate the data to be collected and analysed under paragraph 4 above, Public Health Wales will provide details of the statutory authority and legal basis for the dissemination under the common law duty of confidence.
- 5.5 Public Health Wales is specifically requesting, as part of this Request, NHS Digital to collect, analyse and disseminate the information required to deliver the Isolation Note Service and the COVID-19 Testing Service on the legal basis separately demonstrated to NHS Digital for those services. In relation to the COVID-19 Testing Service, NHS Digital is also requested to collect, analyse and disseminate the data it has previously processed on behalf of Public Health Wales as a sub-processor to the Department of Health and Social Care.

## **6 Requirement for this Request**

- 6.1 In accordance with section 255(2) of the 2012 Act, Public Health Wales considers that the information which could be obtained by NHS Digital complying with this Request is information which is necessary or expedient for Public Health Wales to have in relation to Public Health Wales' exercise of functions or carrying out of activities, in connection with the provision of health care in Wales.
- 6.2 In accordance with section 257(4) of the 2012 Act, Public Health Wales has consulted with NHS Digital before making this Request.

## **7 Dissemination**

- 7.1 Under section 262(4)(a) of the 2012 Act, Public Health Wales requests that NHS Digital disseminates the information it collects by complying with this Request by exercising the power it has:
  - 7.1.2 under s261(4) of the 2012 Act, to disseminate any information it collects pursuant to this Request; and/or
  - 7.1.3 under regulation 3 of the National Health Service Control of Patient Information Regulations 2002<sup>4</sup> (COPI), to disseminate any information it obtains pursuant to this Request
  - 7.1.4 to those persons or organisations who reasonably require it for Covid-19 Purposes, and where it would be lawful for NHS Digital to do so.
- 7.2 Any information obtained by NHS Digital complying with this Request under section 255 may also be disseminated by NHS Digital in accordance with

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<sup>4</sup> 2002 No. 1438

its powers under section 261 of the 2012 Act or its powers under or by virtue of any other Act, including under Regulation 3 of COPI.

7.3 Details about all information disseminated by NHS Digital which has been obtained under this Request will be published in the NHS Digital Data Release Register.

## 8 Fees

Public Health Wales acknowledges that in accordance with section 257(3) of the 2012 Act, NHS Digital is entitled to charge a reasonable fee in respect of the cost of NHS Digital complying with this request.

## 9 Duration

NHS Digital is requested to operate the Covid-19 Public Health Wales Information Systems (**the Requested Function**) until 30 September 2020 (as the same may be extended by agreement of NHS Digital and Public Health Wales in writing), unless and until requested in writing by an authorised officer of Public Health Wales on reasonable notice to suspend and/or permanently cease the Requested Function at an earlier date.

## 10 Contact Details

The following named individuals will be the key contacts in relation to this Request and any requests made by Public Health Wales under it:

10.1 **NHS Digital:** Magi Nwolie, Principal IG Specialist and Associate Data Protection Officer (DPO) - [magi.nwolie@nhs.net](mailto:magi.nwolie@nhs.net)

10.2 **Public Health Wales** – John Lawson, Head of Information Governance and Data Protection Officer (DPO) – [phw.informationgovernance@wales.nhs.uk](mailto:phw.informationgovernance@wales.nhs.uk)

Signed on behalf of Public Health Wales

Name **John Lawson**

Position **Data Protection Officer**

Signature



Date **22/04/2020**