



Department of Health & Social Care

Department of Health and Social
Care
39 Victoria Street
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Sarah Wilkinson
Chief Executive
NHS Digital
1 Trevelyan Square
Boar Lane
Leeds LS1 6AE

24 November 2020

Dear Sarah

1. **Data Security Centre Services Directions 2020**

- 1.1 I am writing on behalf of the Secretary of State for Health and Social Care (**the Secretary of State**) to provide Directions to the Health and Social Care Information Centre, known as and hereafter referred to in these Directions as **NHS Digital**.
- 1.2 These Directions are given in exercise of the powers conferred by sections 254(1) and (6), section 260(2)(d), section 261(2)(e), section 262(3)(a) and sections 304(9), (10) and (12) of the Health and Social Care Act 2012¹ (**the 2012 Act**) and Regulation 32 of the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013² (**the Regulations**).
- 1.3 In exercising the activities and functions described in these Directions, NHS Digital must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing from time to time to NHS Digital.

¹ 2012 c.7

² S.I. 2013/259

1.4 These Directions are to be known as the **Data Security Centre Services Directions 2020** and come into force on the date signed.

2. Purpose

2.1 NHS Digital was instructed by the Secretary of State to create the Data Security Centre³ to support health and care organisations to be more cyber resilient and respond to incidents promptly when they happen, working with the National Cyber Security Centre.

2.2 The purpose of these Directions (**Purpose**) is to enable NHS Digital to collect and analyse information to the extent necessary for it to provide services and support that assist the health and social care sector to achieve the following security principles:

- Manage security risk.
- Protect against cyber-attacks.
- Detect cyber security incidents.
- Minimise the impact of cyber security incidents.

2.3 NHS Digital will support the achievement of these principles by assuming the role of a Managed Security Service Provider⁴, by issuing advice and guidance, and by providing implementation tools and assurance, collectively known as the Data Security Centre Services (**the Services**) and more particularly described in the Data Security Centre Services Directions 2020 Specification (**Specification**) attached at Annex A to these Directions, which may be updated periodically (within the confines of the scope set out in these Directions) by NHS Digital and agreed in writing by an authorised officer of the Department of Health and Social Care on behalf of the Secretary of State.

2.4 The Services will be provided to organisations within the inclusion criteria (**Eligible Organisations**) as set out in the Specification.

3. Systems delivery functions for the Data Security Centre Services

3.1 In accordance with Regulation 32 of the Regulations, the Secretary of State directs NHS Digital to exercise such systems delivery functions of the Secretary of State as are necessary for it to deliver the Services.

3.2 The Secretary of State directs NHS Digital to exercise the systems delivery functions in accordance with the Specification.

3.3 NHS Digital is further directed to exercise the functions in accordance with the service levels, support and monitoring requirements, and the reporting and governance requirements notified by the Secretary of State in writing to

³ <https://digital.nhs.uk/services/data-security-centre> and <https://www.gov.uk/government/news/plans-to-strengthen-nhs-cyber-security-announced>

⁴ Helping to manage and monitor security aspects of IT infrastructure, services and systems

NHS Digital as at the date these Directions come into force, or as those requirements are amended and notified by the Secretary of State in writing to NHS Digital from time to time.

4. Establishing and operating information systems for the Data Security Centre Services

4.1 In accordance with sections 254(1) and 254(6) of the 2012 Act, the Secretary of State directs NHS Digital to establish and operate such systems for the collection or analysis of information to the extent necessary for it to deliver the Services referred to in paragraph 2.3.

4.2 NHS Digital is directed to carry out the activities above in accordance with the Specification and generally in such a way as to enable and facilitate the Purpose described in paragraph 2.2.

5. Analysis and linkage

Pursuant to the Secretary of State's powers under 254(1) and 254(6) of the 2012 Act, NHS Digital is further directed to analyse the data collected pursuant to these Directions, including by such reference or linkage to other data held by NHS Digital as NHS Digital determines is necessary to achieve the Purpose.

6. Requirement for these Directions

6.1 In accordance with section 254(2)(b) of the 2012 Act, the Secretary of State considers that it is in the interests of the health service in England or of the recipients or providers of adult social care in England for these Directions to be given.

6.2 In accordance with section 254(5) of the 2012 Act, NHS Digital has been consulted before these Directions have been given.

7. Publication

In accordance with section 260(2)(d) of the 2012 Act, NHS Digital is directed not to publish information that is specified as not for publication in the Specification. Any other information must be published in line with NHS Digital's duty under section 260(1) of the Act unless it falls within section 260(2) of the 2012 Act.

8. Dissemination

8.1 NHS Digital is directed under section 262(3)(a) of the 2012 Act to exercise its powers under section 261(4) to disseminate information which it collects pursuant to these Directions to the Eligible Organisation from whom NHS Digital collected that information, to support that Eligible Organisation to improve its cyber resilience.

8.2 In accordance with section 261(2)(e) of the 2012 Act, despite the prohibition on publication, NHS Digital may disseminate under section 261(1) of the 2012 Act the information it has obtained by complying with these Directions to those who require it to support their regulatory or

advisory role, where section 261(1) would otherwise not apply due to the restriction on publication, and where it would be lawful for NHS Digital to do so.

8.3 Information obtained by complying with these Directions may also be disseminated in line with NHS Digital's powers under section 261 of the 2012 Act.

9. Fees and Accounts

9.1 In accordance with regulation 32(2)(a) of the Regulations, the Secretary of State may make payments to NHS Digital for things done in connection with the exercise of the systems delivery functions referred to above.

9.2 NHS Digital must keep proper accounts, and proper records in relation to the accounts, in connection with the **Data Security Centre Services Directions 2020**.

10. Duration

NHS Digital is directed to operate the **Data Security Centre Services** referred to above (**the Directed Function**) unless and until instructed in writing by an authorised officer of the Department of Health and Social Care on behalf of the Secretary of State on reasonable notice to suspend and/or permanently cease the Directed Function. Where a Directed Function is to cease, such written request will also contain a direction to revoke these Directions in accordance with the timescales and arrangements to be agreed with NHS Digital.

11. Review of these Directions

These Directions will be reviewed when the Specification is amended. This review will include consultation with NHS Digital as required by section 254(5) of the 2012 Act.

Yours sincerely



Karen Dooley

Deputy Director for Cyber Security, NHSX

Signed by authority of the Secretary of State for Health and Social Care

ANNEXES - DATA SECURITY CENTRE SERVICES DIRECTIONS 2020

Annex A - Data Security Centre Services Directions 2020 Specification