



Department
of Health &
Social Care

Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

Amanda Pritchard
Chief Executive
NHS England

20 March 2023

Dear Amanda,

1. NHS App Directions 2023

- 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 **NHS England**.
- 1.2 These Directions are given in exercise of the powers conferred by sections 254(1) and 304(9), (10), (11) and (12) of the Health and Social Care Act 2012¹ (**the 2012 Act**), section 13ZC of the National Health Service Act 2006² (**the 2006 Act**) and regulation 32 of the National Institute for Health and Care Excellence (Constitution and Functions) and NHS England (Information Functions) Regulations 2013³ (**the Regulations**).
- 1.3 In performing activities and exercising functions under these Directions, NHS England must have regard to such priorities, policies, advice or guidance⁴ of

¹ 2012 c.7.

² 2006 c.41.

³ S.I. 2013/259. The Regulations were previously known as the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013 and were re-named by paragraph 45 of the Schedule to the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

⁴ NHS England must have regard to guidance from the Secretary of State as to the exercise of its functions under 13ZC of the 2006 Act and regard to guidance published under section 274A of the 2012 Act about the exercise of its "relevant data functions" as defined by section 253(3) of the 2012 Act. This definition includes functions under these Directions.

the Secretary of State as the Secretary of State may notify in writing from time to time to NHS England.

- 1.4 These Directions are to be known as the **NHS App Directions 2023** and come into force on the day after the day on which they are signed.

2. Requirement for these Directions

- 2.1 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 and of the recipients or providers of adult social care in England for these Directions to be given.
- 2.2 In accordance with section 13ZC(5) of the 2006 Act, the Secretary of State considers that it is in the public interest for these Directions to be given.
- 2.3 In accordance with section 254(5) of the 2012 Act, NHS England has been consulted before these Directions have been given.

3. Purpose

The purpose of these Directions (**Purpose**) is to require NHS England to develop and operate the NHS App Platform and related services (collectively **the NHS App Services**). The NHS App Services will:

- 3.1 provide access to digital health and care information and services that have been assessed by NHS England and, where required, by an authorised officer of the Department of Health and Social Care on behalf of the Secretary of State as being beneficial to both health and adult social care services and to the recipients and providers of health and adult social care services provided in England; and
- 3.2 generate anonymous statistical data which may be used by NHS England to understand health issues and challenges better and to support strategies which may improve health outcomes for the population and reduce inequalities in health.

4. Systems delivery functions for the NHS App Directions

- 4.1 The Secretary of State directs NHS England to exercise such systems delivery functions⁵ of the Secretary of State as are necessary for NHS England to develop and operate the NHS App Services (**the Systems Delivery Functions**).
- 4.2 NHS England is directed to exercise the Systems Delivery Functions in accordance with
 - 4.2.1 the NHS App Technical Specification version 1 published with these Directions as the same may be updated from time to time; and

⁵ See section 274 of the 2012 Act for the meaning of “systems delivery functions”.

4.2.2 the NHS App Services Requirements Specification version 1 approved on 2 March 2023 published with these Directions as the same may be updated from time to time,

(together **the Specifications**).

4.3 The Secretary of State directs NHS England to exercise the Systems Delivery 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 NHS England 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 England from time to time.

5. Establishing and operating information systems

5.1 The Secretary of State directs NHS England to establish and operate such systems for the collection and analysis of information as are necessary to meet the Purpose.

5.2 NHS England is directed to exercise the functions set out in paragraph 5.1 in accordance with the Specifications (which may be updated periodically in accordance with the Purpose) and generally in such a way as to enable and facilitate the Purpose.

6. Analysis and linkage

NHS England is directed to analyse the information collected pursuant to these Directions, including by such reference or linkage to other data lawfully held by NHS England as NHS England determines is necessary to achieve the Purpose.

7. Fees and Accounts

7.1 In accordance with regulation 32(2)(a) of the Regulations, the Secretary of State may make payments to NHS England for things done in the exercise of the Systems Delivery Functions.

7.2 NHS England must keep proper accounts, and proper records in relation to the accounts, in connection with these Directions.

8. Duration

NHS England is directed to exercise the Systems Delivery Functions, to operate the related information systems as set out in paragraph 5 of these Directions and to otherwise exercise functions under these Directions until this requirement is revoked by a further direction in accordance with timescales and arrangements decided by the Secretary of State following consultation with NHS England.

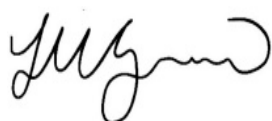
9. Review of these Directions

These Directions will be reviewed from time to time. Any amendments to the Directions or the Specifications will include consultation with NHS England.

10. Revocation of Directions

The **NHS Digital (Establishment of Information Systems for NHS Services: NHS App Services) Directions 2018** issued on 27 September 2018 by NHS England to the Health and Social Care Information Centre (**NHS Digital**) and the **NHS Account Messaging and App Push Notifications Service Direction** issued on 31 August 2022 by NHS England to NHS Digital, are revoked insofar as they are still in force.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. G. ...', written in a cursive style.

Signed by authority of the Secretary of State