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Regional Health and Social Care Information Sharing Agreement

Data Flow – PC210004 – Living With COVID Recovery

Schedule K – Processing and Sharing Specification (signature required)

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Schedule K – PC210004 – Living With COVID Recovery

Sharing Requirement Identifier:	PC210002
Sharing Requirement Name:	Living With COVID Recovery
Sharing Requirement Start Date:	01 July 2021
Sharing Requirement End Date:	31 December 2022
Sharing Organisation:	{{!org_es_:font(name=calibri,size=10)}}
Direct Care or Other Uses:	Direct care
Risk Sharing and Indemnity:	Out of scope
Sharing Data Controllership:	Joint control with Berkshire Healthcare NHS Foundation Trust as lead controller
Data Processor(s):	Living With Ltd – Amazon Web Services
Status:	Final
Version:	v1

Summary of the Processing and Sharing Requirement Purpose

Living With have worked with experienced clinicians at Barts Health NHS Trust and academics in the eHealth unit of University College London to develop a COVID care path which supports patients in recovery from the infection.

This processing enables the three Berkshire West and Frimley trusts involved to increase the depth of their clinical support for patients as part of their recovery and rehabilitation following a severe COVID-19 spell.

As a by-product of the direct care processing the data is also de-identified to allow the effectiveness of the Living With COVID Recovery support, recovery and rehabilitation interventions to be assessed and improved.

Summary of the Legal Basis for Processing and Sharing

Unless a patient or client has objected to processing or joint processing and sharing and the sharing organisation has accepted the patient's objection(s) the legal basis for sharing and viewing the shared records includes provisions of Section 251B of the Health and Social Care Act 2012 (as amended by the Health and Social Care (Safety and Quality) Act 2015):

2. The sharing organisation must ensure that the information is disclosed to:
 - (a) persons working for the sharing organisation
 - (b) any other relevant health or adult social care commissioner or provider with whom the sharing organisation communicates about the individual; and
3. So far as the sharing organisation considers that the disclosure is:
 - (a) likely to facilitate the provision to the individual of health services or adult social care in England
 - (b) in the individual's best interests.

Unless a patient has objected to processing or joint processing and sharing and the sharing organisation has accepted the patient's objection the legal basis for viewing the shared records is also provided by General Data Protection Regulation:

1. Article 6(1)e
"processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller"; and
2. Article 9(2)h
"processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services, on the basis of Union or Member state laws".

Official authority and member state laws establish the legal bases that organisations rely upon for the need to share and jointly process data to deliver care and to plan and manage the delivery of care.

Where access to confidential data is legitimate, the common law duties of confidentiality are satisfied because consent to view a patient's record is implied where the patient concerned agrees to be referred to a service or where the patient concerned refers themselves or presents to a service. In general patients are made aware of data sharing either via 'fair processing notices', specific discussion with care staff or in most cases by both methods.

Where confidential data has been anonymised in line with the Information Commissioner's Office code of conduct for anonymisation the above legal basis is no longer a pre-requisite for processing the data.

Summary of the Processing and Sharing Requirement Process

The processing and sharing requirement is described in terms of:

1. The processing, sharing and analytics process;
2. The processing and sharing privacy arrangements;
3. The scope of the organisations involved in the processing and sharing arrangements; and
4. The scope of the data processed and shared.

The Processing, Sharing and Analytics Process

This processing enables the three trusts involved to increase the depth of their clinical support for patients as part of their recovery and rehabilitation following a severe COVID-19 spell.

As a by-product of the direct care processing the data is also de-identified to allow the effectiveness of the Living With COVID Recovery support, recovery and rehabilitation interventions to be assessed and improved.

For the purposes of this schedule the processing and sharing process is as follows:

1. The technical platform for the processing is the Living With COVID Recovery service delivered through the Living With portal solution and the Living With mobile device application (“the App”). The App is registered as a medical device with the MHRA;
2. When Living With COVID Recovery is first established for the trusts a lead clinician is set up for each trust within the Living With COVID Recovery solution. Each trust’s lead clinician uses the Living With COVID Recovery system to invite the rest of the trust’s clinicians to enrol in the service;
3. As part of the invitation the clinicians are issued with verification codes and when they first login to the Living With COVID Recovery system clinicians are required to confirm their acceptance of the terms of use for the system;
4. Living With COVID Recovery supports remote monitoring and management of patients as part of their recovery and rehabilitation following a severe COVID-19 spell, including:
 - a. Reporting of physical condition and symptoms
 - b. Reporting of progress against outcome measures and goals
 - c. Provision of medical articles and content
 - d. Allowing early interventions to take place, preventing symptoms escalating and the patient requiring more comprehensive treatment;
5. Once eligible patients are identified by the trust and the clinicians concerned have confirmed that the patient is willing to be enrolled in the Living With COVID Recovery service:
 - a. The patient’s participation in the Living With COVID Recovery service is recorded in the caseload of the trust team providing the service
 - b. An email is sent to the patient inviting the patient to enrol in the Living With COVID Recovery service
 - c. The invitation is supported by a leaflet describing the service and how to download the App
 - d. The leaflet also provides the required privacy notice information as well as directions to the practice’s own privacy notice and guidance;
6. The clinician inviting the patient is provided with a verification code for the patient to use when first accessing the App;
7. Once the patient has downloaded the App and received the verification code:
 - a. The App is downloaded and is linked to the Living With COVID Recovery portal by the verification code
 - b. Patients are required to confirm their acceptance of the App’s terms of use;
8. For their use of Living With COVID Recovery patients’ messages to their clinicians and their reporting of physical condition, symptoms and progress are captured in the App and also forwarded to the patient record in the Living With COVID Recovery system;
9. Patient provided information is reviewed and managed in the normal manner by the clinician concerned using the Living With COVID Recovery system and the EPR of the trust concerned;
10. Where Living With COVID Recovery data is recorded in a trust’s EPR the Living With COVID Recovery data may also be shared beyond the trust and the trust’s EPR; and

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11. On a regular basis a de-identified version of the data is made available to:
 - a. The Living With team responsible for delivering and improving the Living With COVID Recovery system
 - b. The UCL and NIHR teams responsible for the clinical effectiveness of the Living With COVID Recovery care pathway and service.

Processing and Sharing Privacy Arrangements

The privacy arrangements are considered satisfactory as:

1. Access to view data is managed in accordance with the RBAC (Role Based Access Control) arrangements;
2. Data is held on the mobile device is encrypted and password protected;
3. Living With COVID Recovery includes an audit trail showing which user accessed a data subject's records;
4. Data made available for uses other than direct care is de-identified in line with the ICO's code of practice; and
5. Living With holds:
 - a. Accredited standards (e.g. ISO27001, Cyber Essentials) covering the physical security of the system infrastructure
 - b. DSPT Standards Met.

The Scope of the Data Controller Organisations Involved in the Processing

For the purposes of this sharing requirement the sharing organisations may determine the purpose and use of the personal confidential data including creating, editing, archiving and deleting the data.

The sharing organisations include all organisations of all classes that have:

1. Signed the Regional Health and Social Care Information Sharing Agreement; and
2. Signed a copy of this Schedule to the Regional Health and Social Care Information Sharing Agreement.

Where the Living With COVID Recovery data is shared beyond the Living With COVID Recovery system, the following classes of Regional Health and Social Care Information Sharing Agreement member organisations have committed to use the personal confidential data identified in this document at the point of care in a manner compliant with the Regional Health and Social Care Information Sharing Agreement.

These are:

1. General practice organisations;
2. Independent sector health care providers (including primary care and GP alliances and networks);
3. Independent sector social care providers (adults and children);
4. Local authorities;
5. NHS Trusts, including:
 - a. Acute service providers
 - b. Community service providers
 - c. Emergency services
 - d. Mental health providers
 - e. Specialist service providers; and
6. Voluntary sector providers (commissioned or coordinated by Local Authority and NHS organisations).

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The Scope of the Data Processed and Shared

The following data items are processed and shared using the Living With COVID Recovery system.

1. Person details and contact details;
2. Trust identifiers
3. Clinical details captured by clinicians:
 - a. Conditions
 - b. Co-morbidities; and
4. Clinical details captured by patients:
 - a. Exercise data
 - b. Outcome data
 - c. Diary data
 - d. Medical data
 - e. Medication data
 - f. Behavioural data
 - g. Flare and symptom tracking data.

Necessity and Proportionality

It is necessary and proportional to share the above spectrum of confidential data into a shared data repository on the grounds that it is in the best interests of the data subjects concerned and the minimum necessary to provide the Living With COVID Recovery service.

Summary of Consultations

As the uses of the identifiable data covered by this sharing requirement are restricted to the provision of care and every patient is consulted in advance of enrolling in the service, no explicit and direct consultation has been carried with the public in respect of this sharing requirement.

Summary of the Data Protection Impact Assessment

The Connected Care project has been carefully designed to place the interests of patients uppermost. Concepts of informed consent and compliance with the Caldicott and Data Protection Principles have been incorporated into the software design.

The key risks are set out in the [DPIA0040](#) document. These have been mitigated to a satisfactory “low” level.

Agreement Implementation Status

On behalf of the Sharing Organisation I confirm that the information sharing arrangements described in this schedule are agreed and the information described in this schedule is to be made available to the User Organisations and individuals identified in this schedule starting on the Sharing Requirement Start Date and ending on the Sharing Requirement End Date.

Agreed by **{{!guardian_es_:font(name=calibri,size=10)}}**
as Caldicott Guardian / Designated Officer / Data Protection Officer / SIRO, for and
on behalf of **{{!org_es_:font(name=calibri,size=10)}}**
{{!addr_es_:font(name=calibri,size=10)}} **}}**.

End of Schedule K