



# Health Research Authority

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02 May 2025

Ms Rachel Winch  
Royal College of Paediatrics and Child Health  
5-11 Theobalds Road  
London  
WC1X 8SH

Dear Ms Winch,

**Application title:** National Neonatal Audit Programme (NNAP) data flow  
**CAG reference:** 21/CAG/0007

Thank you for your amendment request to the above non-research application, submitted for support under Regulation 5 of the Health Service (Control of Patient Information) Regulations 2002 to process confidential patient information without consent. Supported applications enable the data controller to provide specified information to the applicant for the purposes of the relevant activity, without being in breach of the common law duty of confidentiality, although other relevant legislative provisions will still be applicable.

The role of the Confidentiality Advisory Group (CAG) is to review applications submitted under these Regulations and to provide advice to the Secretary of State for Health and Social Care on whether an application should be supported, and if so, any relevant conditions.

## Secretary of State for Health and Social Care support decision

The Secretary of State for Health and Social Care, having considered the advice from the Confidentiality Advice Team (CAT) as set out below, has determined the following:

1. The amendment, to extend the duration of support to 31 March 2027 and to include System C as a data processor, is supported, subject to compliance with the standard conditions of support.

## Amendment request

The applicants have existing support for the disclosure of confidential patient information contained in the BadgerNet system, for Clevermed Ltd to extract confidential patient information in a dataset and further disclosure to the RCPCH Azure hosting infrastructure.

In this amendment, the applicants seek to extend the duration of support until 31 March 2027, following HQIPs extension of the contract to deliver the NNAP.

The applicants also noted a change to the data processor, as Clevermed Ltd, which runs BadgerNet, has been acquired by System C.

## Confidentiality Advice Team advice

The amendment requested was considered by the Confidentiality Advice Team. The Team noted that the amendment requests were in the public interest and recommended support.

## Confidentiality Advice Team conclusion

In line with the considerations above, the CAT agreed that the minimum criteria under the Regulations appeared to have been met for this amendment, and therefore advised recommending support to the Secretary of State for Health and Social Care.

## Specific conditions of support

1. Confirmation provided from the DSPT Team at NHS England to the CAG that the relevant Data Security and Protection Toolkit (DSPT) submission(s) has achieved the 'Standards Met' threshold **Confirmed:**

The NHS England **23/24** DSPT reviews for Royal College of Paediatrics & Child Health and System C Healthcare Ltd, were confirmed as 'Standards Met' on the NHS England DSPT Tracker (checked 17 April 2025).

## Reviewed documents

<i>Document</i>	<i>Version</i>	<i>Date</i>
CAG_Amendment_request_NNAP 21_CAG_0007_March 2025	March 2025	

Please do not hesitate to contact me if you have any queries following this letter. I would be grateful if you could quote the above reference number in all future correspondence.

Yours sincerely

Kathleen Cassidy  
Confidentiality Advisor

On behalf of the Secretary of State for Health and Social Care

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Enclosures: Standard conditions of support

### **Standard conditions of support**

Support to process confidential patient information without consent, given by the Secretary of State for Health and Social Care, is subject to the following standard conditions of support.

The applicant and those processing the information will ensure that:

1. The specified confidential patient information is only used for the purpose(s) set out in the application.
2. Confidentiality is preserved and there are no disclosures of information in aggregate or patient level form that may inferentially identify a person, nor will any attempt be made to identify individuals, households or organisations in the data.
3. Requirements of the Statistics and Registration Services Act 2007 are adhered to regarding publication when relevant, in addition to other national guidance.
4. All staff with access to confidential patient information have contractual obligations of confidentiality, enforceable through disciplinary procedures.
5. All staff with access to confidential patient information have received appropriate ongoing training to ensure they are aware of their responsibilities.
6. Activities remain consistent with the General Data Protection Regulation and Data Protection Act 2018.
7. Audit of data processing by a designated agent is facilitated and supported.
8. The wishes of patients who have withheld or withdrawn their consent are respected.
9. Any significant changes (for example, people, purpose, data flows, data items, security arrangements) must be supported via formal amendment prior to changes coming into effect.
10. An annual review report is submitted to the CAG every 12 months from the date of the final support letter, for the duration of the support.
11. Any breaches of confidentiality around the supported flows of information should be reported to CAG within 10 working days of the incident, along with remedial actions taken / to be taken. This does not remove the need to follow national/legal requirements for reporting relevant security breaches.