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10 August 2021

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 Advisory Group as set out below, has determined the following:

The amendment, to allow BadgerNet ID to be collected and processed by RCPCH for the purposes of this audit, and to support the flow of data including BadgerNet ID from RCPCH to individual Trusts, is supported, subject to compliance with the standard conditions of support.

Amendment request

The National Neonatal Audit Programme (NNAP) delivered by the Royal College of Paediatrics and Child Health (RCPCH) aims to assess whether babies admitted to neonatal units in England and Wales receive consistent high-quality care and to identify areas for service and quality improvement in relation to the delivery and outcomes of neonatal care. Support is in place to allow the disclosure of confidential patient information contained in the BadgerNet system, for Clevermed Ltd to extract confidential patient information and for further disclosure to the RCPCH Azure hosting infrastructure. RCPCH is commissioned to undertake these activities by the Healthcare Quality Improvement Partnership (HQIP) as part of the National Clinical Audit and Patient Outcomes Programme (NCAPOP).

This amendment sought support to clarify that BadgerNet ID is also being collected for the purposes of this audit, and will be held and processed by the RCPCH in addition to the key identifiers listed in the original application.

This amendment also sought support for a new flow of data from RCPCH back to the individual Trusts. This flow will contain mainly non-identifiable information, with the only identifiable data item being the BadgerNet ID. These patient episode lists are for the purposes of data quality and completeness checks, and will relate to patients cared for by that Trust only. The applicants reason that this amendment will improve the quality and completeness of the data reported by the NNAP by enabling NHS Trusts to act on any inaccuracies before the final analysis is conducted. It also will provide NHS Trusts to implement quality improvement in a more timely manner.

Confidentiality Advisory Group advice

The amendment requested was considered by Chair's Action. The Chair was content to recommend support for this amendment, and commented that support was required for the flow back to Trusts, as BadgerNet ID could be considered a direct identifier.

Confidentiality Advisory Group conclusion

In line with the considerations above, the CAG 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 IG Delivery Team at NHS Digital to the CAG that the relevant Data Security and Protection Toolkit (DSPT) submission(s) has achieved the 'Standards Met' threshold: **Confirmed: Royal College of Paediatrics and Child Health and CleverMed Ltd have a confirmed 'Standards Met' grade on DSPT 2019/20 (by check of the NHS Digital DSPT tracker on 06 August 2021)**

Reviewed documents

<i>Document</i>	<i>Version</i>	<i>Date</i>
HQIP letter of support RCPCH Amendment		14 July 2021
CAG amendment form		14 July 2021
Appendix 1 NNAP Data Flow Diagram July 2021		July 2021

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

Caroline Watchurst
Confidentiality Advisor

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

Email: cag@hra.nhs.uk

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.