

31 March 2022

Dear Caldicott Guardian,

**Re: Use of neonatal data for the National Neonatal Audit Programme (NNAP) - new contract period and update on National Data Opt Out.**

The NNAP is managed and delivered by the Royal College of Paediatrics and Child Health (RCPCH) and is commissioned to do so by the Healthcare Quality Improvement Partnership (HQIP) as part of the National Clinical Audit and Patient Outcomes Programme (NCAPOP). HQIP is the data controller for the NNAP and the RCPCH processes NNAP data on behalf of HQIP (data processor).

We process neonatal data to enable:

- Assessment of whether babies admitted to neonatal units in England and Wales receive consistent high-quality care in relation to professionally agreed guidelines and standards.
- Identification of areas for quality improvement (QI) in neonatal units in relation to the delivery and outcomes of care.

The RCPCH holds support to receive and process data for the NNAP from the Health Research Authority (HRA) Confidentiality Advisory Group (CAG) under reference 21/CAG/07. The approval letter is available at: [https://www.rcpch.ac.uk/sites/default/files/2021-03/21cag0007\\_nnap\\_data\\_flow\\_cag\\_approval\\_1\\_march\\_2021.pdf](https://www.rcpch.ac.uk/sites/default/files/2021-03/21cag0007_nnap_data_flow_cag_approval_1_march_2021.pdf)

The RCPCH has been re-awarded the contract to deliver the NNAP for the period 1 April 2022 to 31 March 2025, and an amendment to the HRA CAG approval has been supported to cover this extended period and a change to the cohort inclusion criteria from babies discharged within the calendar year to babies admitted during the calendar year. Letters of support for this amendment and a previous amendment relating to data flow are available to view as follows:

- Letter of support for amendment to duration and cohort for inclusion (10 March 2022): <https://www.rcpch.ac.uk/sites/default/files/2022-03/21CAG0007%20SoFS%20Fully%20Supported%20amendment%20outcome%20letter.pdf>
- Letter of support for amendment to data flow (10 August 2022): <https://www.rcpch.ac.uk/sites/default/files/2021-08/21CAG0007%20SoFS%20amendment%20outcome%20letter%20-%20revised%2023082021.pdf>

We are writing to inform you of this new contract period and the continuation of data flow and processing for the purposes of the NNAP. We wrote to you in March 2021 and requested that the registered NNAP Clinical Lead log into the BadgerNet system and to indicate that your Health Board/Trust allows the NNAP to process neonatal data entered into BadgerNet for the purpose of the NNAP. This has been done and therefore no further action is required and your Health Board/Trust can continue to participate, unless you have any questions about this new contract period and continuation of the use of neonatal data from your trust for the purposes of the NNAP.

All data security assurances are in place for the data to be held and processed by the NNAP and are set out in the Terms and Conditions below. Data that is specifically required for the purpose of the NNAP is securely transferred between dedicated Clevermed and RCPCH Azure environment servers as part of this data flow process.

## Terms and Conditions of Data Collection

A copy of the Section 251 approval letter from the Health Research Authority's Confidentiality Advisory Group for the NNAP data flow is provided alongside this letter. This approval gives permission for the RCPCH process patient identifiable data without consent for the purpose of the NNAP and service improvement.

Reasonable efforts should be made to inform the cohort of women of the processing of their data for the NNAP, including details of how to opt out. A privacy notice for the NNAP is available via the NNAP website at: <https://www.rcpch.ac.uk/resources/national-neonatal-audit-programme-your-babys-information>. Please ensure that this is easily accessible and available to the relevant patients to fulfil our transparency requirements under UKGDPR. We also encourage all neonatal units to signpost the NNAP information booklet "Your Baby's Care" for parents and carers which describes the aims of the audit as well the some of the findings and recommendations from the most recent NNAP national report.

A privacy impact assessment (PIA) for the NNAP is available at: <https://www.rcpch.ac.uk/sites/default/files/2021-04/PIA%202020-28%20NNAP%20Privacy%20Impact%20Assessment%20v1.0%20SD.pdf>

The legal basis for processing this information is that it allows us to carry out a task that is in the public interest. In respect of the NNAP the public interest is protected through ensuring that high standards of quality neonatal care continue. In this case, the legal bases for processing under GDPR are Article 6 (1) (e) and Article 9 (2) (i).

The RCPCH will hold the NNAP data for as long as it is commissioned to deliver the NNAP by HQIP. All data will be deleted or transferred back to HQIP at the end of our contract.

Any rights requests that we receive in relation to your Trust/ Health Board's patient data, will be forwarded to your Trust/Health Board, as data controller of the individual's patient record. If there is a specific contact you would like us to use, please provide the contact details to the NNAP project team at: [nnap@rcpch.ac.uk](mailto:nnap@rcpch.ac.uk).

## National Data Opt Out

We have been informed that the mandatory implementation of the National Data Opt-Out (NDOO), deadline of 31 March 2022, has been extended until 31 July 2022. There is no intention to extend implementation of the deadline any further.

As set out in the Operational Policy Guidance, the opt-out applies to the disclosure of confidential patient information for purposes beyond an individual's direct care across the health and care system in England, unless an exemption has been granted. If you have any further questions please contact [nationaldataopt-out@nhsx.nhs.uk](mailto:nationaldataopt-out@nhsx.nhs.uk).

The NNAP dataset is extracted from the BadgerNet neonatal system by Clevermed Ltd and transferred to the RCPCH for the purposes of carrying out the audit. Before transferring the dataset to us, Clevermed Ltd use the MESH process to remove patients who have opted out nationally, therefore there is no need for Trusts to do this as well. HQIP are in the process of applying for an exemption for the National Clinical Audit and Patient Outcomes Programme (NCAPOP), to which the NNAP belongs.

If you have any queries please contact the NNAP project team at: [nnap@rcpch.ac.uk](mailto:nnap@rcpch.ac.uk)

Kind regards,

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