



KALEIDOSCOPE
consultants

North West London: Data sharing in health and social care

Public engagement events

March 2018



Housekeeping

- Fire alarms
- Fire exit
- Toilets
- Catering
- Mobile phones
- Smoking





Introductions

David Stone

Managing Director

Kaleidoscope Consultants

020 3637 1111

info@kaleidoscopeconsultants.com



Objectives

- To listen to your opinions and preferences on how you would want the NHS and adult social care commissioners and providers to use your data
- To facilitate this discussion, provide background on how the NHS and adult social care works and how privacy law and confidentiality applies
- To record what you tell us and feed it back to the organisations commissioning and providing health and adult social care in North West London so that they can align, as far as possible, with your preferences

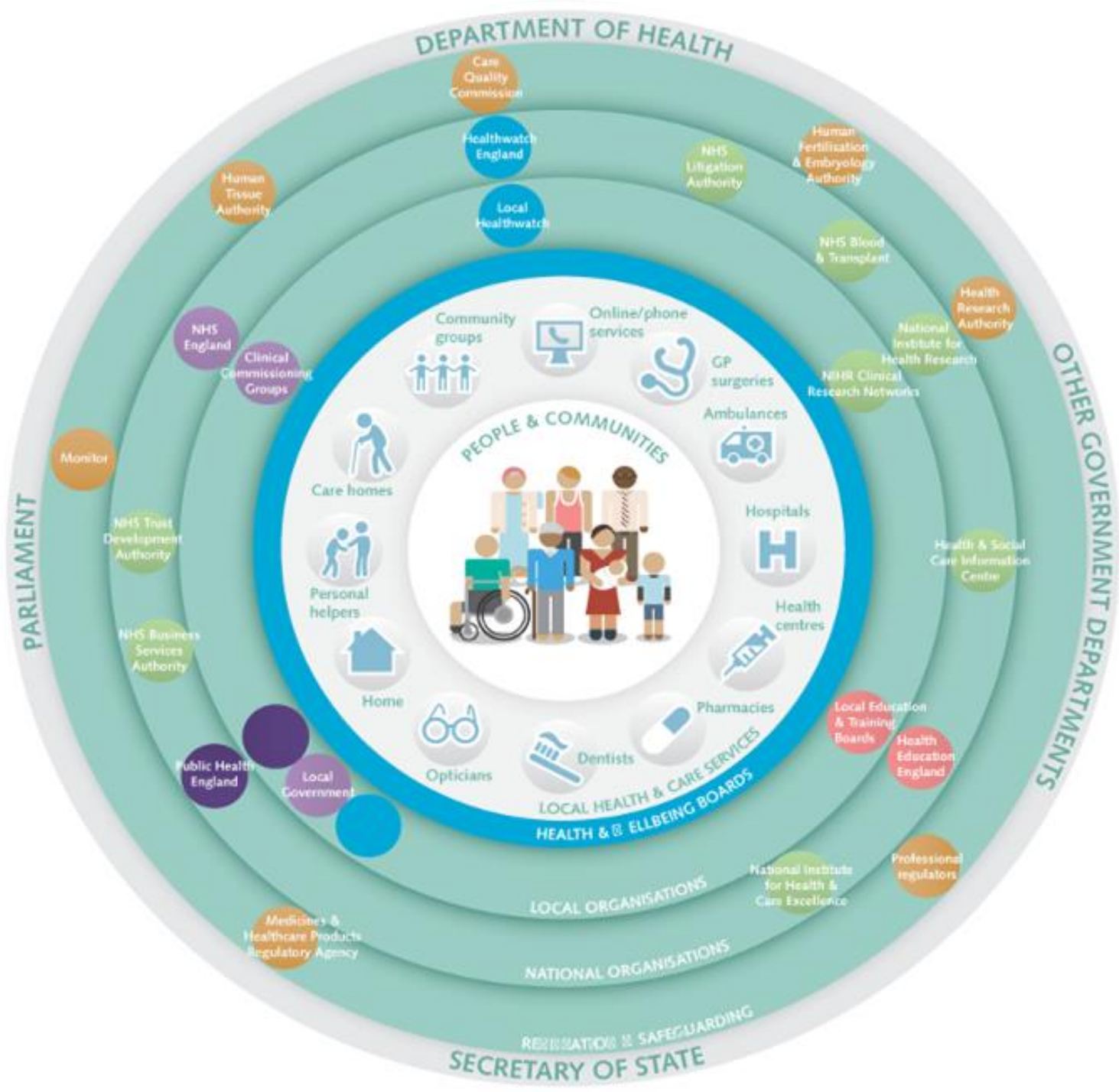


Agenda

- Explain how the NHS is structured so you can understand how we separate our roles, what we do and what we're trying to do
- Explain how we use data and how data supports health and care system
- Find out your views on when it is, and is not, appropriate to use your data



NHS





North West London Health and Adult Social Care

Commissioners

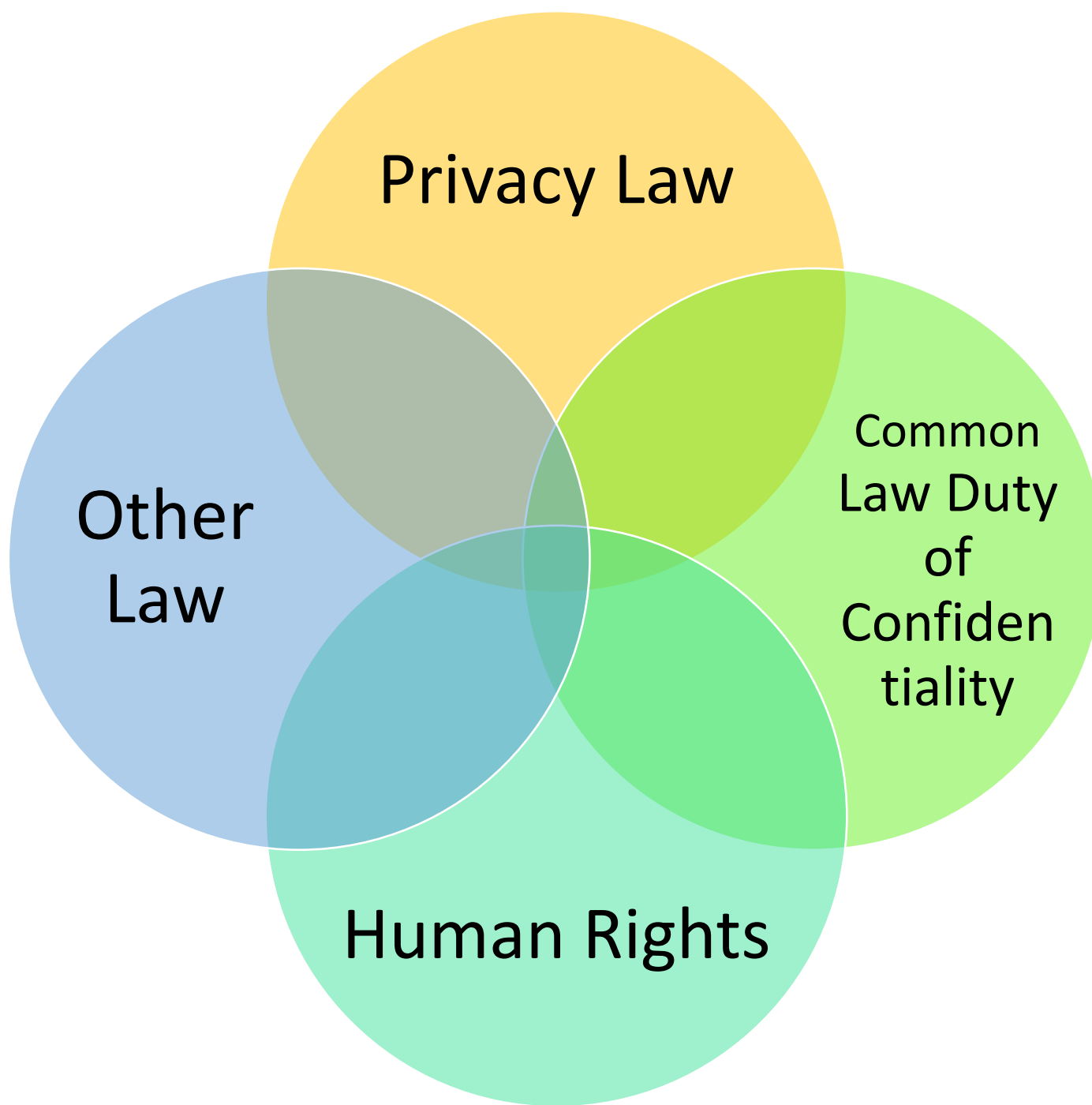
- 8 Clinical Commissioning Groups (CCGs)
 - Brent
 - Ealing
 - Hammersmith and Fulham
 - Harrow
 - Hillingdon
 - Hounslow
 - Kensington and Chelsea
 - Westminster
- 8 Local Authorities: Adult Social Care + Public Health

Providers

- 4 Acute hospitals
- 2 Mental Health Trusts
- 300+ General Practices
- Community providers
- GP federations
- Out of hours clinics
- Urgent care centres
- etc.



NHS Information Governance





Privacy law

- 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 law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
- Medical research
- Public health
- Emergencies



Common Law Duty of Confidentiality

- The reasonable expectations of a normal person
- Is not breached unless seen by a human



Consent

- In the healthcare sector, patient data is held under a duty of confidence. Healthcare providers generally operate on the basis of implied consent to use patient data for the purposes of direct care, without breaching confidentiality.
- Implied consent for direct care is industry practice in that context. But consent is not the appropriate lawful basis under the GPDR. This type of assumed implied consent would not meet the standard of a clear affirmative act – or qualify as explicit consent for special category data, which includes health data. Instead, healthcare providers should identify another lawful basis. For the stricter rules on special category data, Article 9(2)(h) specifically legitimises processing for health or social care purposes.



What we use your data for

- Providing your care
- Supporting the design of health and care systems in NWL
- Search of de-identified data to identify people to participate in research





Links to stuff I talked about

- North West London Whole Systems Integrated Care:
- Discover:
- ICO consultation on consent:
- GDPR:
- Data Protection Bill:
- Patient Information site:
- Kings Fund video:
- Information Governance Alliance: