

Our Ref: PW/AKB/FOI-07-054

Stafford Education & Enterprise Park  
Weston Road  
Stafford  
ST18 0BF

25<sup>th</sup> July 2022

Telephone: 0300 123 1461

Sent by email

Dear

**FOI FOI-07-054:  
Your request for information under the Freedom of Information Act 2000**

Thank you for your request dated the 18<sup>th</sup> July 2022. We can confirm that Staffordshire and Stoke-on-Trent Integrated Care Board do hold the information that you have requested. Please see our responses in blue below / attached:

- 1. I am aware that there are a number of ICS-level Shared Care Records, and that each ICS is required to have one. Please tell me the name of the Shared Care Record for your ICS, and also the name or names of the software provider(s) - e.g. Graphnet, Orion, Interweave, etc?**

**In addition, if your ICS's Shared Care Record is shared between several ICSs, please let me know the names of the other ICSs with which your Shared Care Record is shared?**

- a) Local brand name is One Health and Care (OHC), System: CareCentric, Supplier: Graphnet.
- b) Section 21, information accessible by other means, the list of Integrated Care System (ICS) organisations sharing information within OHC is available via this link:

**[Shared health and care records - Staffordshire and Stoke-on-Trent, ICS \(staffsstokeics.org.uk\)](https://staffsstokeics.org.uk)**

- 2. Other than processing patient data for the provision of direct care what other permissions or purposes would these software companies have?**

None.

- 3. Could you please provide a list of any and all bodies and organisations outside the NHS to either the shared care record or any data within it?**

Please be advised that as per section 21 of the FOI Act, this information is accessible by other means, namely the Local Authority/Councils as listed on the following link:

[Shared health and care records - Staffordshire and Stoke-on-Trent, ICS \(staffsstokeics.org.uk\)](https://staffsstokeics.org.uk)

- 4. Are there any circumstances at all in which police or Immigration Authorities specifically would be able to have access to ShCR's and how would consent for this be given?**

No.

- 5. I have a specific question about delegated consent i.e. people who cannot make decisions for themselves. Please could you provide me with a copy of the policy on delegated consent?**

One Health and Care does not have a policy on delegated consent as the legal basis for OHC processing activities does not rely on consent. A delegated consent policy is the responsibility of the partners in relation to consent to examination or treatment.

The legal basis for sharing for these reasons are:

Article 6(1)(e) "performance of a task carried out in the public interest"

Article 9(2)(h) – "medical diagnosis, the provision of health or social care or treatment or management of health or social care systems"

Where there is a high risk of harm to a data subject, or a response to an emergency situation or to provide protection to vulnerable adults or children.:

Article 6(1) d and Article 9(2) h – "Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent"

Article 6(1) c – "legal obligation to with the controller is subject"

Article 9(2)g "processing is necessary for the purposes of substantial public interest (protection of vulnerable individuals)".

Common law duty of confidentiality for the OHC has been met via implied consent with the record being accessed at the point of care.

- 6. Please could you provide your policy or policies around consent for the use of data in the shared care record by external sources, police, private health, sexual health clinics, child services, DWP, local councils, and mental health services?**

One Health and Care is owned and governed by the NHS and Local Authorities in the participating local areas of Staffordshire and Stoke-on-Trent ICS, therefore the Local Authorities and Mental Health Providers are included. Other external sources are not currently included. included currently.

**7. Will the shared care record in your ICS be used for any purposes beyond direct care, e.g. population health management, planning, and research?**

Currently the Shared Care Record is only for Direct Care purposes.

**8. If so, which uses, by whom, and how have these been communicated to users of the shared care record and patients themselves?**

Applicable.

**9. How have people been told they can opt-out, as in, by Email, Phone, or leaflet in a local GP surgery etc. and what percentage of people that your ICB (or relevant body) covered have been informed directly about this restructuring or their records, and to stress, how have they been most importantly. Please list any and all initiatives for this, and if you have any of those materials can you please give me a copy of them?**

The purpose of the solution is for Direct Care only, as part of the campaign individual have been informed as to how to have an objection (opt out) recorded but it is the responsibility of the Health Care Professional at their GP Practice to uphold the request if it is in the interest of the individual.

In line with our nationally mandated obligations, we ran a comprehensive fair processing campaign prior to GO LIVE for 14 weeks in 2019, which informed the public via a central campaign and each partner associated with the data share within OHC also had the responsibility to inform their data subject of the use of their data, its benefits, and how they can raise an objection as mentioned above if they wish. This campaign included:

- a) Animation video developed to explain the shared care record in user-friendly terms.
- b) Radio campaign.
- c) Social media advertising campaign.
- d) Press release.
- e) Information pack including leaflet and poster cascaded to local stakeholders including health providers, councils, community and voluntary sector, to be shared with service users.
- f) Text message structures provided to GPs to enable them to communicate with patients.
- g) Session with 'Hard to Reach' groups and public meetings.

Please note that due to the legal basis for processing this data, there is no obligation to contact people directly. We are confident however that our fair processing campaign made best efforts to inform as many people as reasonably possible.

**10. How many opt-outs have there been as of the date of this request being sent?**

A Type 1 opt-out is an objection to confidential data being used for secondary use. The National opt-out process is an objection to confidential data being used for planning and research. Neither a Type 1 nor National opt-out affect Shared Care Records. The Right to Object, under Article 21 of the UK General Data Protection Regulation (GDPR) does apply, the information requested is not held in the ShCR. Objection requests are managed and recorded at an individual's GP Practice.

**11. If a patient who has opted out in your ICS moves to another ICS, will they need to opt-out again?**

Objections are not managed at ICS Level; they are managed via the individual GP clinical systems which restricts the view of data within OHC. If a patient moves GP Practice as part of the registration process at the practice their objection will be recorded, and data will not be viewable within OHC.

**Right of Appeal**

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

**To request an internal review**

You can request an internal review by contacting the Staffordshire and Stoke-on-Trent Integrated Care Board FOI team by emailing the team at [StaffsStokeFOI@staffsstoke.icb.nhs.uk](mailto:StaffsStokeFOI@staffsstoke.icb.nhs.uk) or by post to the address at the top of this letter.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Staffordshire and Stoke-on-Trent Integrated Care Board FOI complaints procedure.

The ICO can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane



**Staffordshire and  
Stoke-on-Trent**  
Integrated Care Board

Wilmslow  
Cheshire. SK9 5AF  
[www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

**Paul Winter**  
**Deputy Director of Corporate Governance,**  
**Compliance & Data Protection/Data Protection**