YHCR for SIGN 13/08/2020

List of comments/questions/concerns

* **Organisation specific:**
  + Sheffield: Listed on highlight report but IG lead/Caldicott/Medical Director unaware of/has requested status report/update from Nigel please?
* Doncaster: DPC and ISA to be aired with new Medical Director and Caldicott Guardian Dr Tim Noble, which may take some time. Also, ‘contract’ was to be amended to read ‘agreement’ after Ken Anderson – SIRO – spoke to Mr Pickles?
  + Some have struggled to access the embedded docs i.e. DPC schedule 6 and so unable to establish relevance/whether IG specific. YHCR’s provided to BTHFT by email but still unable to open.
* **General consensus:** 
  + Acknowledgement that fairly standard/necessary DPA clauses in place and no objections to YHCR in principle but agreement that there are confusions and concerns about some of the detail in the documents being asked to sign up to
  + Main issue is the ‘objections reporting process and management’ and confusions around this. For example, DPC Schedule 3 has implications for IG/Trust, and YHCR responded (when raised by BTHFT) that all organisations will have to implement their own opt out process for service users, this page outlines that process, and offered to provide further clarity on any specific points.

We believe this is still unclear / there remain confusions around the process and management, and the role of the DPO/Caldicott in determining who can/can’t opt out. Including having a standard template for opt outs and comms material for patients.

* + Because of the complexities around objections when primary purpose for access is direct care BTHFT asked if there were assurances re processes around this as a result of Wave 1 Pilots? YHCR responded to say unaware of feedback from wave 1 and asked Clare Leyden whether this was something Clare could look into or seek feedback from the wave 1 organisations. We haven’t received any feedback – perhaps if there is this would aid clarity / discussion on the 13th?

JC (to JP BTHFT) noted and agreed with concerns that IG shouldn’t be the ones to decide whether an objection should be upheld or not and referred to Schedule 3 of the DPC page 32 where it states:

• “*The Information Governance Team will send the request for raising an objection to the service users for the attention of the Data Protection Officer and Caldicott Guardian.”*

*• “The partner organisation’s Data Protection Officer and Caldicott Guardian will review the service users request to raise an objection and assess if the objection is valid.”*

This is still unclear – are service users being used in different contexts here for example – so would benefit from further clarity / a conversation.

* + No one who attended the 28/07 meeting understood or were aware of the Rotherham/Humber references and at what point these changes and processing were to be transferred? If being asked to sign up to these agreements then they should accurately reflect the position. Bradford sought clarification re DPC Schedule 4 reference to LTHT versus Rotherham and questioned whether as Leeds were part of the initial pilot but Bradford was scheduled as part of Wave 2 Provision (no longer Pilot) if this section now required updating. YHCR responded that Rotherham needed to remain in as they will continue to be a sub-processor until the YHCR moves on the cloud. In addition to this, LTHT also remains; again until the YHCR transitions onto the cloud LTHT will conduct the required audits; after this Humber will be responsible for conducting audits.
  + Sue confirmed Nigel Hodgson has agreed to provide a separate update as to status of the YHCR *project* including Rotherham/Humber involvement
  + For ISA 1.5 PN updates will be required and consideration needs to be given as to whether anything else is required locally? For example documents referenced at 4.4. YHCR has a PN for the YHCR that can be used as a template or to adapt to local materials plus see <https://yhcr.org/resources/> Are the most up to date materials / PNs here?
  + IG unable to comment on technical aspects of architecture/access authentication /identity management
  + Agreements do not give sufficient detail to enable organisations to robustly complete DPIAs.
  + ISA 12.3 re publication of agreement. Not all Trusts routinely publish these and yet this ‘requirement’ is explicit in the agreement. BTHFT raised this and YHCR responded that LTHT will only publish the ISA under an FOI request; they do not routinely do this. and YHCR confirmed the PN would cover most of this in terms of how and why we are using the service users’ data. Yet 12.3 is explicit e.g. *All partners agree to publish this agreement in addition to other fair processing information to support openness and transparency*. So why is it included?
  + ISA 11.2 re process around revoke of access. When BTHFT asked about the process YHCR responded to say the process had not been outlined as of yet?