

## Data sharing guidance – National Shielding Programme

**From: Government Digital Service (GDS), NHS Digital (NHSD), Ministry of Housing, Communities and Local Government (MHCLG)**

**To: Local Authority Chief Executives and Info Governance/Data Leads**

### Update on guidance

1. **This guidance is to be shared with all parts of your authority dealing with shielding.** Background and context relating to the Shielding Programme, and data flows you have been receiving as part of this have been moved to Annex 1. Version 1.2 covers updates to the following:
  - a) Data Flow 1: NHS ‘Shielded Patient List’ data extracts provided by GDS
  - b) Data Flow 2: ‘Incoming’ data provided daily by GDS, originating from the website and 0800 registration helpline, on those self-reporting as vulnerable and in need of support
  - c) Data Flow 3: new data to be provided on National Shielding Helpline ‘unanswered calls’ and ‘inconclusive outcome’ cases i.e. status data on those who the helpline has contacted but has not been able to register their support needs.
  - d) Data sharing with emergency services, utility companies (e.g. water, gas).
2. Seek advice from MHCLG [shielding@communities.gov.uk](mailto:shielding@communities.gov.uk) if you are unsure about whether it is appropriate for you to share ‘Incoming’ or SPL data. Your Data Protection Officer (DPO) should submit queries to MHCLG if possible.

### Data Flow 1: NHS Shielded Patient List (SPL)

3. The [SPL](#) is a list of patients identified by NHS Digital as at high risk of complications from Covid-19 and notified to shield. It is minimised to your area.
4. A new, third batch of updated SPL data will be provided to you w/c 27<sup>th</sup> April.
5. The SPL could contain data about people now deceased. It does not identify patients who have chosen to shield. This will be a personal decision made by patients. This will affect use of your data locally.
6. NHS Digital has updated its terms of use of SPL patient data. GDS will be issuing an updated Memorandum of Understanding (MoU) to you imminently. Updated purposes and use are summarised in paras. 7-11 below. **You can only use and share your SPL data for these specific purposes.**

7. SPL data is to be initially used within your authority to cross-reference this with your daily 'Incoming' shielding data and your local care records, to determine if patients are known to you as an existing local authority social care service user, or are otherwise known to you as vulnerable.
8. Based on this local picture you may use your SPL extract data to prioritise your offers of care and support as you judge necessary, and to directly contact the patient to offer them care and support (whether they are known to you or not).
9. Subject to the requirements in para. 10, SPL data may be shared as follows:
  - a) Local authorities may, within two-tier areas (e.g. County and District) share their SPL extract with the other local authorities within those two tiers
  - b) You may share relevant SPL information (primarily name) about patients who are on the SPL with care homes, contracted social care providers and other similar organisations providing care to those patients
  - c) You may share relevant patient data with your Clinical Commissioning Group(s) (who have their own copies of the full SPL for their CCG area).
10. Sharing of SPL data under para. 9 is only permissible where:
  - a) local authorities ensure the information they share under para. 9 is from their latest updated SPL data;
  - b) this information is shared safely and securely with those who need this information to provide support to the patients on the SPL, and who have a legal basis to receive it, under appropriate data sharing agreements;
  - c) local authorities work to ensure that contact with patients is co-ordinated with the Shielding Service and those organisations with whom they share data
  - d) local authorities feedback regularly to the Shielding Service about the patients with whom they have made contact.
11. **You cannot use or share the NHS SPL patient data you receive for any other purpose.** It is highly sensitive patient data only for the specific purpose in paras. 7-11 and must not be externally used or shared beyond this. Do not confuse sharing of your daily 'Incoming' data feeds – sharing of which you will need to determine as per paras. 13-14 – with this SPL patient data.
12. Requests for access to your SPL extract by NHS organisations who do not receive SPL data, should be directed to NHS Digital at [SPLQuery@nhs.net](mailto:SPLQuery@nhs.net).

#### Data Flow 2: 'Incoming' shielding data

13. 'Incoming' data covers individuals who have registered with the Shielding Service. It is for the specific purpose of enabling you to ensure support gets to those identified as extremely vulnerable locally and who have requested support.

**14. You can share provided Incoming personal data, or parts of this, where:**

- a) You determine this is necessary for the purpose in para. 13 **and**
- b) You have (or will have) a data sharing agreement with the outside party; this may include partners such as emergency services and voluntary organisations, provided the above conditions have been met and, in the case of voluntary organisations, appropriate safeguarding steps and vetting of the volunteers have been completed (e.g. DBS checks).

Data Flow 3: DWP National Shielding Helpline case outcome data

15. A DWP ‘outbound’ call centre, the National Shielding Helpline, has been operating since 28<sup>th</sup> March to contact individuals on the SPL as clinically vulnerable, but who have not yet self-reported their support needs. Calls have been made in order to offer people the opportunity to register their needs supported by a call centre agent.
16. Be aware that National Shielding Helpline call centre case ‘outcomes’ data should now be starting to flow to you from 28<sup>th</sup> April (call centre outcomes data is defined in para 1c above), and a separate email will advise you of this. Specific guidance and information on this new data will also be provided to you.
17. If you decide to conduct in-person checks on residents on the list, data received from the DWP call centre must only be used in accordance with paras. 7-11.

Data sharing with emergency services and utilities companies

18. Where you receive a request from emergency responders such as the Police, you are reminded to consider these on a case-by-case basis given the purpose of each request and if sharing ‘Incoming’ data meets the purpose stated in para 13.
19. MHCLG is aware that some local authorities have been asked by utility companies to share ‘Incoming’ shielding data and/or NHS List patient data for the purpose of utilities updating their own vulnerable person lists used in outages.
20. Guidance is to refuse these requests where no major incident is apparent, as utilities hold their own vulnerable persons lists for a separate purpose to that of the Shielding Programme. Further guidance is to follow. Contact the shielding mailbox if you receive such a request from utilities or have further queries. If a Strategic Co-ordination Group (SCG) is convened in the event of an emergency (major outage), and further data is required from central government in order to assist the local response, you can request this from your Government Liaison Officer in the usual way.

## Hosting of data locally

21. Information assurance and security of your local IT hosting systems that your data for Covid-19 response is held and processed on, is your responsibility as an independent Data Controller. This is in the same way as for any local safeguarding, patient or other highly sensitive data that you hold as social services, care and safeguarding providers.

## **DPO, Ministry of Housing, Communities and Local Government**

| <b>Version Control Log</b> |                   |   |                    |
|----------------------------|-------------------|---|--------------------|
|                            | <b>Date</b>       | <b>Changes</b>  | <b>Approved by</b> |
| <b>1.2</b>                 | <b>27/04/2020</b> | <b>Updated SPL use, including 2-tier authorities, added emergency services and utility guidance, added advance notice of new SPL and 'uncontactable' data provision</b> | <b>DPO, MHCLG</b>  |
| <b>1.1</b>                 | <b>14/04/2020</b> | <b>Clarified the use of NHS patient data, added local hosting, added Control Log</b>  | <b>DPO, MHCLG</b>  |
| <b>1.0</b>                 | <b>02/04/2020</b> | <b>1<sup>st</sup> release</b>   | <b>DPO, MHCLG</b>  |

## **Annex 1**

### Shielding Service

22. The Shielding service matches those responding to NHS letters identifying them as extremely vulnerable to Covid-19 – asking if they need care or support – with a to-door food delivery service, and with you (local authorities) as key local providers of support. GDS runs the website and automated helpline for the Shielding service for the Cabinet Office, who is the 'data controller'. You are receiving data directly from GDS to enable you to deliver care as needed locally.

23. In addition to this data feed, you will *separately* be receiving, via GDS, extracts of highly sensitive, non-medical NHS patient data of those in your area identified by the NHS as clinically vulnerable to Covid-19. This is the 'Shielded Patient List'. The SPL is being shared exceptionally by NHS (via GDS) with you to enable local support to the clinically vulnerable.

24. The two data sets – one formally called the 'Incoming Local Authority Dataset', the other 'NHS Shielded Patient List Local Authority Dataset' – must be handled differently – guidance above covers this.

25. You received, via GDS, a first extract of SPL data on 2<sup>nd</sup> April 2020 and a second updated extract on 9<sup>th</sup> April. A third will be provided w/c 27<sup>th</sup> April.

26. You will also be receiving a new third flow of data regarding 'uncontactable' people as per paras 15-17.