

Frequently Asked Questions – Adult Social Care (ASC) Client Level Data (CLD)

Q1. How long does it take for a Data Landing Portal (DLP) account to be created by NHS Digital?

A1. The SLA (turnaround time) is 30 days for a new account to be created.

Q2. Do National Data Opt Outs (NDOP) apply to the ASC data Local Authorities flow to NHS Digital?

A2. No. As the data flows under Directions and a Data Provision Notice, opt outs do not apply so all the data can be submitted for all clients.

Further information can be found here - <https://digital.nhs.uk/services/national-data-opt-out/operational-policy-guidance-document/policy-considerations-for-specific-organisations-or-purposes#7-10-nhs-digital>

Q3. Do National Data Opt Outs (NDOP) apply to the ASC data NHS Digital disseminate out under Data sharing agreements (DSAs)?

A3. No. Whilst data disseminated is 'pseudonymised' patient level, it is anonymised (in line with the ICO code of practice on anonymisation) so that the data is no longer personal confidential data. Therefore, NDOPs do not apply to NHS Digital (DSCRO) disseminations as they only apply to the disclosure of confidential patient information for purposes beyond individual care across the health and adult social care system in England.

Further information can be found here - <https://digital.nhs.uk/services/national-data-opt-out/operational-policy-guidance-document>

Q4. Do I have to complete/fill in every field within the ASC data specification?

A4. No. Submit whatever data you have available and leave any other fields blank. More detail can be added in your later submissions to enhance the submission.

Q5. What do I need to know about NHS Digital's Privacy Notice and statutory duties?

A5. NHS Digital has statutory duties that include:

- collecting and publishing health and care information
- providing national technology for health and care services
- producing information standards
- improving the quality of health and care information and data

- publishing national indicators for health and care
- giving advice and support to health and care organisations on information and cyber security
- providing the Data Security and Protection Toolkit for care organisations to assess how well they are handling information and data.

As such, the NHS Digital public-facing website sets out 'What we collect', 'Types of Information' and 'Legal responsibilities':

<http://content.digital.nhs.uk/article/4963/What-we-collect>

The Privacy Notice available on the NHS Digital website describes the activities that NHS Digital undertakes upon personal data, including those relating to the Pilot Adult Social Care Data Set. This data set is also referenced in the Privacy Notice for the Personal Demographics Service.

NHS Digital collects and analyses this data under s254 and s255 of the Health and Social Care Act. The organisation is also required to publish Directions and/or Requests issued to them under the Health and Social Care Act 2012 and all active Directions and Requests issued under the Health and Social Care Act 2012 are publicly available.

NHS Digital maintains a data dissemination register which is publicly available. The register includes the legal basis for dissemination and contains information extracted from the relevant Data Sharing Agreement regarding the purposes of use of data being shared. Data disseminations are subject to review by the Independent Group Advising on the Release of Data, minutes of meetings are published on the NHS Digital website.

Any individual can make a Subject Access Request and NHS Digital has a duty to comply under the Data Protection Act. Full details of how to make a request is available for individuals on the public facing website at:

<https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/publication-scheme/how-to-make-a-subject-access-request>