

ASC CLD Frequently Asked Questions

The Adult Social Care Client Level Data (ASC CLD) has a dedicated webpage, found [HERE](#), which contains information supporting local authorities with the onboarding and data submission process, IG requirements & information alongside other key artefacts.

This document provides links, information and resources for some of the areas where issues and questions commonly arise regarding Information Guidance.

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Information Governance

Q1. Does my Local Authority need to provide Privacy Information about the ways and what we collect, use, store and manage information about individuals that we provide services for?

A1. Yes, it is a legal requirement under GDPR and Information Commissioner's Office (ICO) guidance and the 2018 Data Protection Act.

Q2. How much detail should we provide to our Service Users and local citizens about the personal data we share with NHS Digital, how it is processed and how it is used?

A2. The level of detail provided is, to a large extent, reflects the individual approach that each Local Authority has to its IG communications, transparency, and Privacy Policy. However, Local Authorities are encouraged to implement best practice guidelines set out by the ICO.

Q3. Is there a standardised approach or any templates that help us to understand what information we should share and how?

A3. Yes. The ICO guidelines and links and supporting information set out in this briefing provide a best-practice framework and guidance to promote a standardised approach for implementing Privacy Information.

Q4. Do National Data Opt Outs (NDOP) apply to the ASC data Local Authorities flow to NHS Digital?

A4. 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>

Q5. Do National Data Opt Outs (NDOP) apply to the ASC data NHS Digital disseminate out under Data sharing agreements (DSAs)?

A5. 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>

Q6. What do I need to know about NHS Digital's Privacy Notice and statutory duties?

A6. 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>