ICB Fair Processing: <https://www.midandsouthessex.ics.nhs.uk/fair-processing-notice/>

Suggest the following is inserted in between Risk Stratification and Invoice Validation:

**Sub-licensing**

Integrated Care Systems (ICSs) are partnerships that bring together providers and commissioners of NHS services across a geographical area with local authorities and other local partners to collectively plan health and care services to meet the needs of their population. The central aim of the ICS is to integrate care across different organisations and settings, joining up hospital and community-based services, physical and mental health, and health and social care. All parts of England are now covered by one of 42 ICSs.

The new Health and Care act 2022 established 42 Integrated Care Boards (ICBs) across England as statutory bodies and abolished the 106 Clinical Commissioning Groups (CCGs). The ICB will take on the NHS commissioning functions of the former CCGs as well as some of NHS England’s commissioning functions. It will also be accountable for NHS spend and performance within the system. The Board of the ICB will, as a minimum, include a chair, the CEO and representatives from NHS providers, general practice and local authorities.

In order to assure a smooth transition to the new commissioning landscape, the ICB need to be able to share data with providers and local authorities within their ICS so they are fully able to contribute to commissioning decisions.

The ICS Sub-License approach will allow the ICB to share data they receive from NHS Digital via their commissioning agreements with members of their ICS. This will be limited to pseudonymised commissioning data without the provider unique local patient id included.

Re-identification - This is permitted but the ICB will be responsible for determining which users will have this ability. They must be a health or social care professional with a legitimate (direct care) relationship to the patient.

It is important to note that direct care relies on the “implied consent” legal basis. Therefore, the patient must be aware of this relationship through clear communication.

**Type of Information Used**

Different types of commissioning data are legally allowed to be used by different organisations within, or contracted to, the NHS. Information used by the ICS Partners include:

* Age
* Gender
* GP Practice, Community and Hospital attendances and admissions
* Medications prescribed
* Medical conditions (in code form) and other things that affect your health.

**Legal Basis**

Statutory requirement for NHS Digital to collect identifiable information.

A Section 251 approval (CAG 2-03(a)/2013) from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority, enables the use of pseudonymised information about patients included in the datasets.

The legal basis for sharing the data with ICS members is:

Article 6 (1) (e) – processing is necessary for the performance of a task in the public interest or in the exercise of official authority vested in the controller

and Article 9 (2) (h) – processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems

**Data Processing Activities**

The ICB processes this data internally. Data is also processed by Arden & GEM Commissioning Support Unit.

The ICS Partners currently involved in the Sub-Licensing process are:

* Essex County Council
* Southend City Council
* Thurrock Council
* Mid and South Essex NHS Foundation Trust
* East of England Ambulance
* Essex Partnership University NHS Foundation Trust
* North East London NHS Foundation Trust
* Provide CiC

The ICS Partners will become Data Controllers in their own right for the data received under the sub-licensing, however certain rules will apply to this:

* Onward sharing of the data by ICS members is not permitted.
* Data must be segregated from other datasets and additional linkage is not permitted.

**Opt out details**

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do not wish your data to be included (even though it is in a format which does not directly identify you) you can choose to opt-out.

In this case, because pseudonymised data is being used, the National Data Opt-Out does not apply.

Instead, please inform your GP practice who will apply an opt-out code to your record to ensure that your information is not included in the programme.