

Ref: FOI/00199/CMICB
24 January 2023

Your Request:

I am interested in the governance around your shared care record (ShCR), the Cheshire Care Record

<https://www.cheshirecarerecord.co.uk/>

I am aware that contributing data controllers - such as GP surgeries - extract and upload confidential medical information, under "implied permission" (as the legal basis to avoid a breach of confidence), to the data processor (Graphnet), for direct medical care purposes.

NHSX has written not once:

<https://www.nhsdatasharing.info/NDG%20Data%20Enquiry.pdf>

but twice:

<https://www.nhsdatasharing.info/NHSXLetter.pdf>

to shared care record schemes, CCGs, ICSs, and ICBs, about the processing (i.e. "use") of such uploaded information for secondary purposes : deidentification, anonymisation, data analysis, risk stratification, planning, commissioning, research, the creation of identifiable, pseudonymised, and anonymised "data marts", etc.

And most recently, the NDG has also written to all ICBs reiterating this:

<https://www.whatdotheyknow.com/request/918862/response/2169509/attachment/6/FOI.22.KAM245%20Appendix%20A.pdf>

Could you kindly confirm that no such processing (as described above) takes place - either by the data processor or a subprocessor - on the information uploaded → purely ← for direct medical care purposes, within the Cheshire Care Record?

Our Response:

In respect of the Cheshire Care Record, NHS Cheshire & Merseyside ICB can confirm that the basis for processing for individual / direct care is not also relied upon for processing for other purposes. If processing for other purposes is carried out, it is done so with due consideration to statute, common law, and professional standards and guidelines.