

Thames Valley and Surrey LCHR Lead Data Controller Group

Terms of Reference

1. Introduction

The Thames Valley and Surrey LHCR (Local Health and Care Record Exemplar) has established the need for a 'Lead Data Controller Group' to develop and support the TVS LHCR Information Governance approach and framework. In addition the Group must ensure consistent integration with the controllership models of the locality shared record systems that contribute to the LHCR.

2. Purpose

The core role and purpose of the group is to establish essential IG requirements of managing and operating the LHCR on behalf of all participating localities. This will include agreeing a set of agreed standards (the 'qualifying standard') for localities to engage with the LHCR. Partners of the LHCR will jointly require all participating localities to meet the Qualifying standard, it will not prescribe how the requirements of the standard are achieved, but will ensure across all participating localities that the qualifying standard is achieved.

It will also include establishing and managing the core IG framework of agreements, policies and procedures for the LHCR. The role of the Lead Controller from each participating locality, as a member of the Lead Controller Group is to ensure the LHCR IG framework is compatible with the approaches taken across the localities (as illustrated below):



LHCR Lead Controller Group

- Lead controllers agree qualifying standard compatibility
- Lead controllers agree data sharing agreement compatibility
- Establish Fair processing requirements



Locality shared care record Governance Group

- Define locality qualifying standard compatible with LHCRE
- Locality data sharing agreement expanded to cover LHCRE
- Locality determines LHCR lead controller representative
- Promote Fair processing at locality & LHCRE level



Health & care organisations in a locality

- Organisations meet locality qualifying standard
- Organisations sign locality data sharing documents
- Produce and distribute local fair processing notices

The role of the group includes:

- Ensuring a strong IG management framework is in place to demonstrate to participating organisations that personal confidential data will be processed, used and shared lawfully and that data protection requirements are being effectively satisfied, including:
 - regular review of the IG arrangements
 - setting and agreeing the IG policies applicable to the programme
- Ensuring IG-related requirements of the LHCR is coordinated and completed across the LHCR and across localities and organisations;
- Promoting IG as an enabler to the transformation of health and social care and to moving away from separate and fragmented information systems;
- Providing timely and appropriate visibility of IG-related activity and key IG risks and issues to the relevant members;
- Maintaining a register of identified data protection and security risks and associated mitigation actions; and
- Providing assurance that the joint controller agreement and information sharing agreement are effectively managed.
- Decide on whether arrangements in each community meet the required standards (equivalence).

3. Authority:

The authority includes:

- Appointment of a chairperson;
- Appointment of an alternative chairperson where the chairperson is temporarily unavailable;
- Appointment of the membership of meetings;
- Approval of the joint controller agreement and its associated:
 - Schedules, Annexes & Processing and sharing specifications
 - Data Protection Impact Assessments
 - Generic and specific:
 - Privacy and fair processing notices.
 - Access, opt-in and opt-out policies, controls and processes
 - Auditing and data quality policies and processes
 - Processes and policies for incident management and reporting, freedom of information requests and data subject requests to exercise their rights
 - Risk mitigation actions in relation to Data Protection Impact Assessments covering organisational and technical security controls;
- Termination of the joint controller agreement and information sharing agreement in advance of the end date;
- Temporary suspension of the agreements;
- Defining the qualifying standard for participation and the process of bringing in and approving new localities to the agreements.
- Reviewing and approving where appropriate any derogations from the Qualifying Standard in respect of any members that are unable to fully satisfy the Qualifying Standard but where clinical safety and quality considerations override IG considerations;
- Approval of data processing contracts in respect of information that is part of jointly controlled data flows and information assets;

- Approval of wider information sharing arrangements (e.g. LHCR to LHCR):
 - In respect of information that is part of the each Lead Controller's community controlled data flows and information assets
 - Where the sharing goes beyond the members of TVS LHCR Information Sharing Agreement ("the additional sharing arrangements")
 - Where the sharing, access, security and data protection controls of the additional sharing arrangements are equivalent to or exceed the criteria set out in the Qualifying Standard;

The role, purpose and authority of the group supports the management of data sharing and processing by the members of the agreement as data controllers but does not include:

- Determining the purpose of data processing; and
- Determining the means of data processing.

To ensure the group itself does not become a data controller.

The Effect of group decision making – the rules of collaboration – expected to observe

The members of TVS LHCR Lead Data Controllers group jointly acknowledge that the decisions made by the group are the 'rules of collaboration' for all localities and thereby for all individual member organisations in respect of:

- Decisions regarding information governance policies and processes related to LHCR
- Decisions relating to Data Processor Contracts for LHCR
- The management of data protection issues related to the LHCR;

4. Membership

The membership of meetings is the nominated lead controller representatives from each participating locality. Each locality will be required to nominate at least two representatives, with the aim that at least one is always able to attend.

The group will be supported by the TVS LHCR IG lead. The IG lead may engage any further subject matter experts for support and attendance.

The localities are:

- Buckinghamshire
- Frimley
- Berkshire West
- Surrey
- Oxfordshire
- Milton Keynes (UH)

Representatives from each of the Local Medical Committees in the region will also be invited to attend, and a patient / lay member.

Frimley Healthcare NHS Foundation Trust, as Information Asset owner of the TVS Care records platform, is also a member of the group, distinct from the Frimley health system member/s.

5. Decision making and Quoracy

Meeting decision making will be inclusive as far as possible but urgency and timescales will be considered and taken into account and the chairperson may elect to take a majority decision rather than a unanimous decision;

Meetings are quorate when at least one representative is present from each of the participating localities and at least one Local Medical Committee representative

Scope of decision making:

The group will decide on key products such as the following list (not exhaustive) on being fit for purpose and recommending to the TVS LHCR Board for formal approval:

- Qualifying standard
- Policies & processes (e.g. Subject access)
- Technical & organisational security controls

6. Frequency

Group meetings are held monthly;

The group may delegate particular topics to a subset of the group or to lead controller communities;

At the chairperson's discretion meetings may be held as virtual meetings:

- By conference call technology
- By an exchange of emails;

Papers in support of meetings are sent out at least five days in advance of a meeting;

Minutes and other papers relating to a completed meeting:

- Are sent out within five days of the meeting to all standing members of the group
- Include a summary of decisions
- And the summary of decisions is distributed to all signatories to the joint controller agreement;

At the chairperson's discretion papers may be presented at short notice including at a meeting itself; and with the exception of the above members are expected to come to the meetings having read and understood any papers provided. The meetings are for clarification and decision making.

7. Accountability

The group is accountable to the members of the joint controller agreement and to the TVS LHCR Programme Board.

The group is advised by:

- Lead controllers from the participating health & care localities;
- The National Data Guardian;
- The National Information Governance Board; and
- The Information Commissioner's Office.
- The national LHCR IG Leads committee and the national LHCR IG Framework

Members of the group are directly accountable for delivery of the actions allocated to the member.

8. Support

Administrative support to be provided via the TVS LHCR programme.

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