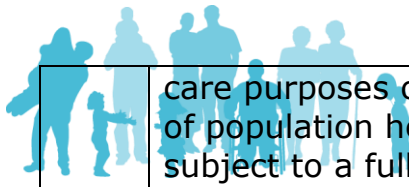




Freedom of Information number 2021/224

Q1	Could you kindly provide me with the latest DPIA that you rely on for, or which covers, such (non-COVID-19) <i>secondary uses processing</i> ?
A1	The Derbyshire Shared Care Record (DSCR) is due to go live later this year for direct care purposes only. The DPIA completed covers direct care purposes and therefore does not apply to your request.
Q2	Could you confirm that Orion is the sole data processor so instructed to receive and process information for secondary uses, and that there is not further disclosure to any sub-processors for the secondary processing? In other words, that Orion <i>alone</i> processes the confidential information it receives for <i>both</i> direct care and secondary uses, upon instruction from the contributing data controllers?
A2	Orion Health Limited (Data Processor) is responsible for delivering the DSCR. Orion Health is responsible for processing (i.e.storing and retrieving) data on behalf of the data controllers using Amazon Web Services (AWS). They do not have any responsibility or control over DSCR data. NextGate (sub-processor contracted through Orion Health) manage the master patient index for linking to return the single best record.
Q3	<p>What is the legal avenue under the common law of confidentiality for the disclosure of, and subsequent access to, linkage, de-identification, data analysis, and any onward disclosure of information <i>for (non-COVID-19) secondary uses processing</i> within the "Discover platform" part of the JUCD/Derbyshire Shared Care Record programme? (That is, how is a breach of confidence, and privacy, avoided by your organisation?)</p> <ul style="list-style-type: none"> • Is the explicit permission of each individual obtained prior to disclosure? • Or has authority been specifically granted for all such processing under Regulation 5 of COPI 2002 (HRA/CAG approval)? If so, please could you provide: <ul style="list-style-type: none"> ○ The CAG approval reference ○ Which classes of support has you been granted (https://www.legislation.gov.uk/ukxi/2002/1438/schedule/made)
A3	As stated previously, the Derbyshire Shared Care Record will go live for direct



care purposes only. Any future plans to process information for the purposes of population health management and service/resource planning will be subject to a full DPIA, Information Governance review and associated data sharing/processing agreements as necessary. We are therefore unable to provide any additional information relating to your request at this stage.