

Our Ref: CTFOI1615

23rd September 2021

Quality and Governance Service
Wirral Community Health and Care
NHS Foundation Trust
Wing 5, 1st Floor
St Catherine's Health Centre
Derby Road
Birkenhead
Wirral
CH42 0LQ
0151 514 2202

Dear *****,

Re: Freedom of Information Request

www.wchc.nhs.uk

Original Request and Response

Please find below our response to your request for information in accordance with the Freedom of Information Act.

1. Could you kindly provide me with the latest DPIA that you rely on for, or which covers, such secondary uses processing?

Trust Response – The Wirral Care Record DPIA is currently being reviewed by Healthy Wirral. We have been advised that the DPIA will be circulated for review by relevant stakeholders in October 21. Please find the attached original Information Sharing Agreement with an embedded Privacy Impact Assessment in an anonymized format.

2. 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 *for secondary uses processing* by your organisation?
(That is, how is a breach of confidence avoided?)

Trust Response – The data processed in the Wirral Care Record is processed for provision of health/social care purposes. Staff accessing information processed within the Wirral Care Record have a legitimate relationship with the patients/clients, in providing their care and treatment. The information held in the Wirral Care Record is not currently processed beyond these purposes.

3. Is the explicit permission of each individual obtained prior to disclosure?

Trust Response – Data is not currently processed beyond the purposes described above.

4. 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:

- o The CAG approval reference
- Which classes of support has your project been granted
(<https://www.legislation.gov.uk/ukxi/2002/1438/schedule/made>)

Trust Response – Data is not currently processed beyond the purposes described above.

If you are not satisfied that your Freedom of Information request has been dealt with in an adequate manner, you have the right to request a review, requiring us to review our action and response. To request a review of this response, please contact the FOI Officer, Wirral Community Health and Care NHS Foundation Trust, St Catherine's Health Centre, Derby Road, Birkenhead, Wirral, CH42 0LQ or email: WCNT.foi@nhs.net. You will receive a full response to your request for review within 20 working days of its receipt.

If you are unhappy with the way we have handled your request for review, you may ask the Information Commissioner to review our decision: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, Telephone: 01625 545700.

Yours Sincerely,



Alison Hughes
Director of Corporate Affairs



**Wirral Community Health and Care
NHS Foundation Trust**
Chair: Professor Michael Brown CBE DL
Chief Executive: Karen Howell