



**Somerset**  
Clinical Commissioning Group

**SECOND TIER  
INFORMATION SHARING AGREEMENT**

**BETWEEN**

**The Practice**

**AND**

**MyWay Digital Health Limited**

**AND**

**Somerset Clinical Commissioning Group**

<b>Agreement commencement date:</b>	[Insert Date of commencement]
<b>Agreement end date:</b>	Ongoing unless notified otherwise
<b>Agreement between:</b>	[Insert Name of the Practice] and MyWay Digital Health Limited
<b>Data Controller:</b>	[Address of Practice]  [Insert Name of GP or Practice Manager]
<b>Data Processor:</b>	MyWay Digital Health Limited Mackenzie Building Kirsty Semple Way Dundee, DD2 4BF  Dr Scott G Cunningham, Chief Technical Officer scott.cunningham@mywaydigitalhealth.co.uk
<b>Commissioner:</b>	Somerset Clinical Commissioning Group Wynford House, Lufton Way, Lufton, Yeovil, Somerset, BA22 8HR  Allison Nation, Head of IM&T Commissioning allison.nation@somersetccg.nhs.uk

## 1 DEFINITIONS AND INTERPRETATION

### 1.1 In this Agreement:

**Data Controller:** has the meaning set out in section 1(1) of the Data Protection Act 1998.

**Data Subject:** an individual who is the subject of Personal Data.

**Personal Data:** has the meaning set out in section 1(1) of the Data Protection Act 1998 and relates only to personal data, or any part of such personal data, in respect of which the organisation is the Data Controller and in relation to which the Processor is providing services under this agreement.

**Processing and process:** have the meaning set out in section 1(1) of the Data Protection Act 1998. 'Act' means the Data Protection Act 1998.

**Data:** patient level health and social care data for the Somerset CCG population as described in the section 'data to be shared'.

## 2 BACKGROUND

2.1 This agreement should be read in conjunction with the overarching Tier 1 Somerset CCG Information Sharing Protocol which sets out broad principles and assurance arrangements for routine information sharing between signatories.

2.2 This second tier agreement sets out the arrangements of the sharing of specific data as set out in section 3 below.

### **3 PURPOSE AND OBJECTIVES OF THE INFORMATION SHARING**

- 3.1 My Diabetes My Way is a records access portal for patients. It has been successfully operating in NHS Scotland since 2010 and phase 2 funding has been secured (via SBRI) to expand the existing phase 1 project to run across the whole of Somerset. GP records will be uploaded and available to view by patient and nominated clinicians with secure logins.
- 3.2 Data sharing and records linkage is required to allow patients online access to their own data. Only the records of patients who have provided explicit consent will be made available online.

### **4 PRIVACY IMPACT ASSESSMENT AND/OR RISK ASSESSMENT**

- 4.1 All patient data collected will be used for direct access by each consented individual.
- 4.2 All MyWay Digital Health staff responsible for processing data will have completed mandatory NHS (or equivalent) information governance courses covering all relevant aspects of safe data handling and data protection. The company has completed its ISO 27001 stage 1 audit and is scheduled to have the stage 2 assessment at the start of May 2018; it is registered with ICO and has successfully completed the IGToolkit.

### **5 DATA TO BE SHARED**

- 5.1 The following data are included:
  - Personal Details: NHS Number, Name, Date of Birth, Address, Type of Diabetes, Year of Diagnosis, General Practice, Registered GP
  - Lifestyle: Height, Weight, Waist Circumference, Body Mass Index, Influenza Vaccination, Smoking Status, Recorded Allergies
  - Test results: HbA1c, Blood Glucose, Blood Pressure, Total Cholesterol, HDL Cholesterol, LDL Cholesterol, Triglycerides, Creatinine, Albumin/Creatinine Ratio, eGFR
  - Eye Screening: Last Screening Date, Retinopathy Status (L/R), Maculopathy Status (L/R), Visual Acuity (L/R)
  - Foot Screening: Foot Risk Category, Peripheral Pulses (L/R), Foot Sensation (L/R), Monofilament Testing (L/R), Vibration Testing (L/R)
  - Patient Goals: Weight, Waist circumference, HbA1c, Blood Glucose, Total Cholesterol, Blood Pressure, Smoking status
  - Patient-recorded Data: Weight, Waist circumference, Blood Glucose, Cholesterol, Blood Pressure, Smoking status, AllergiesResult and goal dates are shown where appropriate for each of the above items.  
  
Medication: Prescription Date, Drug Name, Preparation, Dose, Quantity. All shown for each available prescription
- 5.2 Identifiable information included:
  - NHS Number, Name, Date of Birth, Address – only accessible by patients who have provided explicit consent to allow them to securely access their records.

## **6 LEGAL BASIS FOR SHARING**

- 6.1 The legal basis for sharing of patient records through the portal is with the explicit signed consent of data subjects obtained during the sign-up/registration process.

## **7 INFORMING DATA SUBJECTS**

- 7.1 Patients are given full information regarding the service and provide explicit signed consent during the sign-up/registration process. Permission for further service analysis (usage, uptake, clinical impact) will be secured from patients during use and analysis will be performed using anonymised datasets.

## **8 DATA CONTROLLER/PROCESSOR ARRANGEMENTS**

- 8.1 Data controller: [Insert Name of Practice]  
Data processors: MyWay Digital Health Limited and Brightsolid Limited  
Data processors providing data for the service: EMIS Health, plus at a later date TRAKCare, PDS and Optimize, and SIDeR (when ready)

## **9 TRANSFER OF THE DATA**

- 9.1 The main interface will reuse existing, published, application programming interfaces (e.g. EMIS CRV) to collect data required to deliver a full service. Custom interfaces may be required, and in these cases, healthcare data and interoperability standards will be adhered to. In all cases, comprehensive developer and user acceptance testing will be performed to maintain the integrity of the data. All data communications will be secured using 256-bit TLS, or equivalent.
- 9.2 Data will be transferred using secured application programming interfaces, database transfer or via web services. These processes will be automated, ensuring there is no requirement for manual intervention (e.g. no transfer via email).
- 9.3 Data will be received via the interfaces detailed above and stored on encrypted databases within an ISO27001-accredited data centre. This database environment is only accessible to authorised personnel through a secured Virtual Private Network.

## **10 FREQUENCY OF TRANSFER**

- 10.1 Daily updates as a minimum will be made nightly, although some services may be able to provide near real-time data interfaces.

## **11 RETENTION PERIODS**

- 11.1 Records will be retained for as long as the service is being funded and available within the CCG.

## **12 DISPOSAL, DELETION, DESTRUCTION**

- 12.1 No anticipated end-date, however as the service will be hosted on an ISO27001-accredited environment, these standards will be referenced for any necessary data disposal.
- 12.2 MyWay Digital Health use BrightSolid (ISO27001-accredited) as the managed service provider. BrightSolid already host services for NHS organisations (e.g. NHS Tayside),

and provide the server infrastructure for My Diabetes My Way in Scotland. They have experience in securely hosting and managing sensitive data for healthcare, banking and other high-profile clients.

### **13 SHARED OBLIGATIONS**

13.1 All parties commit to ensuring that data-sharing agreements and security arrangements are reviewed every 18 months.

### **14 SPECIFIC OBLIGATIONS**

14.1 None.

### **15 MONITORING AND REVIEW**

15.1 The arrangement will be subject to full review including Privacy Impact Assessment in the event that further funding and expansion of the pilot project is contemplated. Somerset CCG and My Way Digital Health will hold responsibility for this review.

15.2 Processes and steps to implementation will be presented to stakeholders and the project steering group at meetings and other relevant seminars at appropriate points throughout the project.

### **16 COMPLAINTS PROCEDURES**

16.1 Disputes or complaints will be directed to the CCG Caldicott Guardian.

### **17 INCIDENT MANAGEMENT**

17.1 All parties are responsible for reporting breaches through their own internal reporting arrangements. All incidents relating to this agreement will be shared with all organisations that are party to the agreement. Data breaches will be immediately reported to the Data Controller and CCG and dealt with according to the Information Governance Serious Incident Requiring Investigation (SIRI) Checklist and MWDH Ltd's Data Security and Use Policy.

17.2 MyWay Digital Health will provide an initial written report to the Data Controller and CCG within 72 hours of occurring providing their initial assessment of the incident and actions taken. A formal written report to the same parties will be provided in a timely manner following any such breach. This will cover a full assessment of any incident, actions taken including assessment against the IG SIRI Checklist and reporting to the ICO, plus any learning.

### **18 AWARENESS TRAINING/COMMUNICATIONS TO INDIVIDUALS INVOLVED**

18.1 Data processing and data sharing agreements will be in place with all relevant third-parties from where data are supplied.

18.2 All MyWay Digital Health staff responsible for processing data will have completed mandatory NHS (or equivalent) information governance courses covering all relevant aspects of safe data handling and data protection, they have signed up to the company's ISO 27001 policies and procedures, inc. Data Security and Use Policy, and been approved by Disclosure Scotland (now called PVG)

**SIGNATORIES**

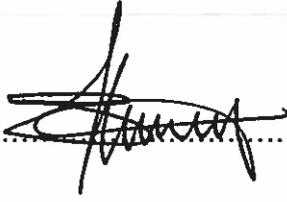
For and on behalf of [Insert the name of the Practice]

..... **Date** .....

**Print name:**

**Role:** Caldicott Guardian / Data Controller

For and on behalf of Somerset Clinical Commissioning Group - Commissioner

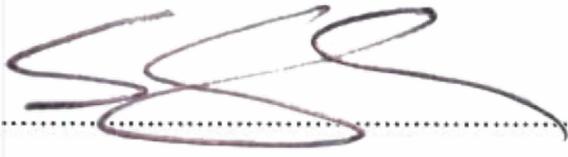


Date 17<sup>th</sup> April 2018.

**Print name:** Sandra Corry

**Role:** Director of Quality, Safety and Engagement  
(Caldicott Guardian)

For and on behalf of MyWay Digital Health Limited – Data Processor



Date 25th April 2018

**Print name:** Dr Scott G Cunningham

**Role:** Chief Technical Officer