

Trusted Assessor Scheme

DATA PROTECTION IMPACT ASSESSMENT

What is this and why is it important?

- This data protection impact assessment (DPIA) helps to identify and mitigate potential data protection risks of the Trusted Assessor Scheme before using or sharing (*processing*) data that identifies individuals (*personal data*).
- The impact assessment demonstrates a number of data protection legal requirements including: [Data protection by design](#); [Accountability](#); [Transparency](#); [Security](#)
- as Data Controller, in partnership with Kirklees Care Association - KirCA as Data Processor should sign this agreement.

The original template impact assessment was prepared to complement the Data Sharing & Processing Agreement template (both downloaded from <https://transform.england.nhs.uk/information-governance/guidance/universal-ig-templates-faqs/>). This template has been completed for use by Care Homes or Home Care (within Calderdale, Kirklees or Wakefield), for the KirCA Trusted Assessor scheme by;

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Role:	Transformation Project Manager	Information Governance Manager
Organisation:	NHS West Yorkshire ICB (<i>Integrated Commissioning Board</i>) – Calderdale, Kirklees, Wakefield	Date: 13.12.2023

SECTION 1 – Screening questions

1. Do you need to do a DPIA?

Yes. Supporting the discharge of patients from hospital (*who require ongoing care within a Care Home setting in the community*), through the use of a Care Home Trusted Assessor Scheme means that personal (*including special category data*) needs to be collated on an individual so an independent and unbiased assessment can be made.

a. Summary of how data will be used and shared

- 1) Potential Care Home resident identified, and informed.
- 2) KirCA's Trusted Assessor collates data from Hospital & Adult Social Care, specific to the individual on behalf of .
- 3) Collated data (*Assessment*) securely shared with

b. Description of the data

<input checked="" type="checkbox"/>	Personal data
<input type="checkbox"/>	Pseudonymised data
<input type="checkbox"/>	Anonymous data

SECTION 2 – Why do you need the data?

2. What are the purposes for using or sharing the data?

To support the discharge of patients from hospital who require ongoing care within a Care Home setting in the community.

3. What are the benefits of using or sharing the data?

The use of a Care Home Trusted Assessor provides Care Homes with an independent and unbiased assessment, which can reduce the numbers and waiting times of people awaiting discharge from hospital and help them to move from hospital to another care setting speedily, effectively, and safely.

SECTION 3 – What data do you want to use or share?

4. Can you use anonymous data for your purposes? If not, explain why.

No, an assessment is specific to an individual.

5. Which types of personal data do you need to use and why?

<input checked="" type="checkbox"/>	Forename	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Photograph / picture of people
<input checked="" type="checkbox"/>	Surname	<input checked="" type="checkbox"/>	Gender	<input type="checkbox"/>	Audio recordings
<input checked="" type="checkbox"/>	Address	<input checked="" type="checkbox"/>	Phone number	<input type="checkbox"/>	Video recordings
<input checked="" type="checkbox"/>	Postcode full	<input checked="" type="checkbox"/>	Email address	<input type="checkbox"/>	Other [please state]
<input checked="" type="checkbox"/>	Postcode partial	<input checked="" type="checkbox"/>	GP details	<input checked="" type="checkbox"/>	Physical description, for example height
<input checked="" type="checkbox"/>	Date of birth	<input checked="" type="checkbox"/>	NHS number	<input checked="" type="checkbox"/>	Legal representative name (<i>personal representative</i>)

6. Data protection laws mean that some data is considered particularly sensitive. This is called special category data. Data that relates to criminal offences is also considered particularly sensitive. Which types of sensitive data do you need to use or share?

Type of data	Reason why this is needed (<i>leave blank if not applicable</i>)
<input checked="" type="checkbox"/> Information relating to an individual's physical or mental health or condition, for example information from health and care records	To support the discharge of patients from hospital who require ongoing care within a Care Home setting in the community.
<input type="checkbox"/> Biometric information in order to uniquely identify an individual, for example facial recognition	
<input type="checkbox"/> Genetic data, for example details about a DNA sample taken as part of a genetic clinical service	
<input type="checkbox"/> Information relating to an individual's sexual life or sexual orientation	
<input type="checkbox"/> Racial or ethnic origin	
<input type="checkbox"/> Political opinions	
<input type="checkbox"/> Religious or philosophical beliefs	
<input type="checkbox"/> Trade union membership	
<input type="checkbox"/> Information relating to criminal or suspected criminal offences	

7. Who are the individuals that can be identified from the data?

Potential Care Home resident (*patient or service user*)

8. Where will your data come from?

- **Pre-assessment discharge form;** Acute Trust and Local Authority systems (*see below - specific to the Hospital the patient is in, and the Local Authority where they currently live*) alongside discussions with the patient; family; carers and hospital staff.
- Mid Yorkshire Hospital Trust: Patient Pathway Manager + electronic health record & the electronic Transfer of Care list
- Calderdale & Huddersfield Hospital Trust: Electronic Patient Record & the electronic Transfer of Care list
- Kirklees Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team
- Calderdale Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team

- Wakefield Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team

9. Will you be linking any data together?

- Yes, the assessment on the individual will link together information from the individual themselves, those significant to them and or legal representative (*where applicable*), alongside hospital and adult social care data.
- The purpose of linking this information is to provide a comprehensive and holistic insight into the individual.
- The linked data/ assessment allows the Care Home to evaluate whether they can effectively meet the identified needs of the individual.

a. Will it become possible, as a result of linking data, to be able to identify individuals who were not already identifiable from the original dataset?

No, the linking of data is specific to a named individual, and although there will be more detail, the individual is fully identified prior to linking data.

SECTION 4 – Where will data flow?

10. Describe the flows of data.

Data flow name	Going from	Going to	Data description
Discharge ready	Hospital/ Adult Social Care	Care Home	Demographic data on a specific individual who is medically fit for discharge
Assessment Request	Care Home	Trusted Assessor	Demographic data on a specific individual
Assessment Complete	Trusted Assessor	Care Home	Specific to identified individual, comprehensive collation of sensitive & demographic data (<i>including special category where appropriate</i>)

11. Confirm that your organisation's information asset register (IAR), record of processing activities (ROPA) or your combined information assets and flows register (IAFR) has been updated with the flows described above.

Yes

12. Will any data be shared outside of the UK?

No

a. If yes, give details, including any safeguards or measures put in place to protect the data whilst outside of the UK.

Not applicable

SECTION 5 – Is the intended use of the data lawful?

13. Under Article 6 of the UK General Data Protection Regulation (UK GDPR) what is your lawful basis for processing personal data?

<input type="checkbox"/>	(a) We have consent
<input type="checkbox"/>	(b) We have a contractual obligation
<input type="checkbox"/>	(c) We have a legal obligation
<input checked="" type="checkbox"/>	(e) We need it to perform a public task
<input type="checkbox"/>	(f) We have a legitimate interest

14. If you have indicated in question 6 that you are using special category data, what is your lawful basis under Article 9 of the UK GDPR?

<input type="checkbox"/>	(b) We need it to comply with our legal obligations for employment
<input type="checkbox"/>	(f) We need it for legal claims, to seek legal advice or judicial acts
<input type="checkbox"/>	(g) We need to comply with our legal obligations to provide information where there is a substantial public interest , as set out in this list
<input checked="" type="checkbox"/>	(h) We need it to comply with our legal obligations to provide or manage health or social care services

<input type="checkbox"/>	(i) We need it to comply with our legal obligations for public health
<input type="checkbox"/>	(j) We need it for archiving, research and statistics where this is in the public interest

15. What is your legal basis for using and sharing this health and care data under the common law duty of confidentiality?

<input checked="" type="checkbox"/>	Implied consent	<input type="checkbox"/>	Legal requirement
<input type="checkbox"/>	Explicit consent	<input type="checkbox"/>	Overriding public interest
<input type="checkbox"/>	Section 251 support	<input type="checkbox"/>	Not applicable

a. Please provide further information or evidence.

Not applicable

SECTION 6 – How are you keeping the data secure?

16. Are you collecting information?

Yes

a. How is the data being collected?

The Trusted Assessors will receive the pre-assessment form completed by Hospital Social Workers alongside having READ only access to the following hospital and local authority electronic systems to gather information about the relevant patient:

- Mid Yorkshire Hospital Trust: Patient Pathway Manager + electronic health record & the electronic Transfer of Care list
- Calderdale & Huddersfield Hospital Trust: Electronic Patient Record & the electronic Transfer of Care list
- Kirklees Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team
- Calderdale Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team
- Wakefield Local Authority: specific information shared from the social care record by a member of the Adult Social Care Team

17. Are you storing information?

Yes

a. How will information be stored?

Storage location	Details (leave blank if not applicable)
<input type="checkbox"/> Physical storage, for example filing cabinets, archive rooms etc	
<input checked="" type="checkbox"/> Local organisation servers	Data will be stored within a restricted secure folder within The Health Informatics Service (<i>THIS</i>) which is part of NHS Calderdale & Huddersfield Foundation Trusts' document storage.
<input type="checkbox"/> Cloud storage	

18. Are you transferring information?

Yes

a. How will information be transferred?

- **Pre-assessment discharge form** (containing special category data) to be shared with Trusted Assessor by Hospital Social work electronically via NHSmail to the Trusted Assessor to store form within secure folder. Trusted Assessor to share the full assessment with identified Care Home via NHSmail. No residual version of the assessment or supporting information will remain within the secure folder area. It will be deleted by the Trusted Assessor once receipt has been confirmed by the Care Home.
- **Special category data gathered from Acute Trust/ Local Authority systems** (as listed above) used to inform decision, notes will be recorded within secure folder for each assessment, verbal discussions will take place between Trusted Assessor, hospital staff, Care Home manager, patient/ family/ carer.
- **Special category data gathered from the Care Home** notes will be recorded within secure folder for each assessment, verbal discussions will take place between Trusted Assessor, hospital staff and Care Home manager, patient/ carer/ family.

19. How will you ensure that information is safe and secure?

Security measure	Details (leave blank if not applicable)
<input checked="" type="checkbox"/> Encryption	NHSmial – details are encrypted in transit
<input type="checkbox"/> Password protection	
<input checked="" type="checkbox"/> Role based access controls (RBAC)	where users only have access to the data held digitally which is needed for their role (this includes setting folder permissions)
<input checked="" type="checkbox"/> Restricted physical access	where access to personal data is restricted to a small number of people, such as access cards or keys to a restricted area
<input type="checkbox"/> Business continuity plans	
<input type="checkbox"/> Security policies	

20. How will you ensure the information will not be used for any other purposes beyond those set out in question 2?

Security measure	Details (leave blank if not applicable)
<input type="checkbox"/> Contract	
<input type="checkbox"/> Data processing agreement	
<input type="checkbox"/> Data sharing agreement	
<input checked="" type="checkbox"/> Data sharing and processing agreement (DSPA)	Created between and Kirklees Care Association, available for at
<input type="checkbox"/> Audit	
<input checked="" type="checkbox"/> Staff training	Specific training completed by Trusted Assessors via eLearning for Health a. Standard 14 : Handling Information (includes Data Security Awareness Level 1) b. Electronic Record Keeping & Snomed c. Information Sharing: advanced information governance for frontline staff d. Information sharing for staff working in adult social care

SECTION 7 – How long are you keeping the data and what will happen to it after that time?

21. How long are you planning to use the data for?

- KirCA’s Trusted Assessor scheme is currently funded for 12months.
- To create a Trusted Assessment, data collation and use is likely to be over a period of days or weeks (until the individual is successfully accommodated into a Care Home). Exceptions may arise where an individual’s “medically fit for discharge” status fluctuates.

22. How long do you intend to keep the data?

- KirCA Trusted Assessor scheme will collate data, keeping it until an Assessment is created for and
 - a) have agreed to accept the resident into their care.
 - b) ANOTHER Care Home accepts the resident (because declined care)
- The Care Home accepting the resident will be the sole party keeping data. This will be stored in line with the Retention Schedule specific to their registration with the Care Quality Commission.

23. What will happen to the data at the end of this period?

Security measure	Details
<input checked="" type="checkbox"/> Secure destruction (for example by shredding paper records or wiping hard drives with evidence of a certificate of destruction)	KirCA Trusted Assessor will destroy all notes and files relating to assessments of individuals.
<input type="checkbox"/> Permanent preservation by transferring the data to a Place of Deposit run by the National Archives	
<input type="checkbox"/> Transfer to another organisation	

<input type="checkbox"/>	Extension to retention period – with approved justification	
<input type="checkbox"/>	It will be anonymised and kept	
<input type="checkbox"/>	The Controller(s) will manage as it is held by them	

SECTION 8 – How are people’s rights and choices being met?

24. How will you comply with the following individual rights (where they apply)?

Individual right	How the Parties will comply
<p>The right to be informed The right to be informed about the collection and use of personal data.</p>	<p>We have assessed how we should inform individuals about the use of data for the KirCA Trusted Assessor scheme. We consider the communications methods below meet this obligation.</p> <p><input checked="" type="checkbox"/> • Privacy notice for will be available from reception.</p> <p><input checked="" type="checkbox"/> • Privacy notice for KirCA Trusted Assessor scheme will be available from their website www.kirkleescareassociation.co.uk</p> <p><input checked="" type="checkbox"/> Information leaflets – shared with potential resident and or their legal representative</p> <p><input checked="" type="checkbox"/> Data Protection Impact Assessment - DPIA (<i>best practice rather than requirement</i>)</p>
<p>The right of access The right to access details of data use and receive a copy of their personal information - this is commonly referred to as a Subject Access Request (SAR).</p>	<p>A Subject Access Request in relation to the potential resident would be directed to the Care Home who asked for the Trusted Assessment on that individual.</p>
<p>The right to rectification The right to have inaccurate personal data rectified or completed if it is incomplete.</p>	<p>The process for rectifying data on a potential resident will be directed to the Care Home. However, this may then need relaying to Adult Social Care or the Hospital from which the information was originally received.</p>
<p>The right to erasure The right to have personal data erased, if applicable.</p>	<p>The individual would need to make their request to the Care Home for an assessment to be made about whether it can be honoured and the extent to which it can be honoured.</p>
<p>The right to restrict processing The right to limit how their data is used, if applicable.</p>	<p>The individual would need to make their request to the Care Home for an assessment to be made about whether it can be honoured and the extent to which it can be honoured.</p>
<p>The right to data portability The right to obtain and re-use their personal data, if applicable.</p>	<p>The individual would need to make their request to the Care Home for an assessment to be made about whether it can be honoured and the extent to which it can be honoured.</p>
<p>The right to object The right to object to the use and sharing of personal data, if applicable.</p>	<p>The individual would need to make their request to the Care Home for an assessment to be made about whether it can be honoured and the extent to which it can be honoured.</p>

25. Will the national data opt-out need to be applied?

No, data collated is specific to care of an individual and therefore not applicable

26. Will any decisions be made in a purely automated way without any human involvement (automated decision making)?

No

- a. **Where the effect of the automated decision on the individual is substantial, how will you uphold an individual’s right not to be subjected to a decision solely made by automated means?**

Not applicable

b. Are you using any special category data as part of automated decision making?

Not applicable

27. Detail any stakeholder consultation that has taken place (if applicable).

No engagement / consultation has taken place as the Trusted Assessment is a model being used across the country.

Pre-discharge assessment is normally undertaken by a Care Home registered manager. The Trusted Assessor scheme consolidates this process on behalf of Care Homes.

SECTION 9 – Which organisations are involved?

28. List the organisation(s) that will decide why and how the data is being used and shared (Data Controllers).

is the Data Controller

29. List the organisation(s) that are being instructed to use or share the data (Data Processors).

Kirklees Care Association (KirCA) is the Data Processor collating assessments through their Trusted Assessor scheme as instructed by as Data Controller

30. List any organisations that have been subcontracted by your processor to handle data

Not applicable

31. Explain the relationship between the organisations set out in questions 28, 29 and 30 and what activities they do

- Potential Care Home resident identified, and (Data Controller) informed.
- KirCA’s Trusted Assessor (Data Processor) collates data from Hospital & Adult Social Care, specific to the individual on behalf of (Data Processor).
- Collated data (Assessment) securely shared with (Data Processor).

32. What due diligence measures and checks have been carried out on any processors used?

Due diligence measures		Details (leave blank if not applicable)
<input checked="" type="checkbox"/>	Data Security and Protection Toolkit (DSPT) compliance	Kirklees Care Association (L2R6C) – 23/24 Standards Met – published 16/11/2023
<input checked="" type="checkbox"/>	Registered with the Information Commissioner’s Office (ICO)	Kirklees Care Association (ZB624049) – expires 7/11/2024

SECTION 10 – What data protections are there and what mitigations will you put in place?

33. Risk assessment

Risk scoring table		Impact (I)				
		Negligible (1)	Low (2)	Moderate (3)	Significant (4)	Catastrophic (5)
Likelihood (L)	Rare (1)	1	2	3	4	5
	Unlikely (2)	2	4	6	8	10
	Possible (3)	3	6	9	12	15
	Likely (4)	4	8	12	16	20
	Almost certain (5)	5	10	15	20	25

Risk	Description	Risk score* (L x I)	Mitigations	Risk score* mitigations applied
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1	Potential to re-identify an individual from the aggregated anonymised data used for insight and evaluation. <ul style="list-style-type: none"> There is a risk that data used for insight and evaluation is not sufficiently anonymised to prevent the re-identification of individuals 	2Lx2I = 4	<ul style="list-style-type: none"> That the collated data BEFORE sharing wider is approved for release. Appropriate anonymisation processes and data analytics are used to ensure that stakeholder clarity does not impact/ identify individuals. 	1Lx2I = 2
2	Ensuring that appropriate understanding and processes related to data quality are used in all aspects of the assessment and the collation of data from the records of Adult Social Care and Hospital. <ul style="list-style-type: none"> There is a risk of compromising the care of the individuals (eg <i>incorrect placement, mismatch of medication, data breach etc</i>) 	3Lx3I = 9	<ul style="list-style-type: none"> To ensure Data Quality and Record keeping Standards are incorporated into the Trusted Assessors learning and development on an annual basis. 	2Lx3I = 6

34. Detail any actions needed to mitigate any risks, who has approved the action, who owns the action, when it is due and whether it is complete.

Risk	Action needed	Action approver	Action owner	Due date	Status
1	Prior to standardised data collation for performance and outcome measures, to seek specialist business intelligence guidance from colleagues within NHS West Yorkshire ICB – Kirklees	Manager	KirCA's Chief Executive Officer	31/12/23	Complete
2	The following modules from e-Learning for Health to be undertaken by all Assessors. <ul style="list-style-type: none"> Standard 14 : Handling Information <i>includes</i> Data Security Awareness Level 1 * Electronic Record Keeping & Snomed * Information Sharing: advanced information governance for frontline staff * Information sharing for staff working in adult social care 	Manager	KirCA's Chief Executive Officer	31/12/23	Complete

SECTION 11 – Review and sign-off

Reviewer sign-off		Approver sign-off
Name:	James Creegan	*
Job title:	Chief Executive Officer	Care Home Manager
Contact details:	Kirklees Care Association – KirCA Carnegie House 31 Castleford Road Normanton WF6 2DP	
Date:	20/12/2023	*

* **Electronic signature acceptable, including adding a “Comment” on the document page within NHSFutures, confirming name and position.**