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Digital Health
and Care Wales

Tŷ Glan-yr-Afon
21 Heol Ddwyreiniol Y
Bont-Faen, Caerdydd
CF11 9AD

Tŷ Glan-yr-Afon
21 Cowbridge Road
East, Cardiff
CF11 9AD

Amanda Pritchard
Chief Executive
NHS England
7 & 8 Wellington Place
Leeds
West Yorkshire
LS1 4AP

23rd May 2024

Dear Amanda,

- 1.** Section 255 Health and Social Care Act 2012: Digital Health and Care Wales - Use of NHS login for health services supplied by third party Apps in Wales 2024.
 - 1.1 I am writing on behalf of Digital Health and Care Wales to make a Request to NHS England.
 - 1.2 This Request is made under section 255(1) and section 256(2)(c) of the Health and Social Care Act 2012¹ (the 2012 Act).
 - 1.3 This Request is to be known as the NHS login for health services supplied by third party Apps in Wales Request 2024 and comes into force on the date signed.
- 2.** Relevant functions and duties - The Welsh Government, Digital Health and Care Wales
 - 2.1 Digital Health and Care Wales (DHCW) is a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 (the 2006 Act) and by the Digital Health and Care Wales (Establishment and Membership) Order 2020 (Establishment Order).
 - 2.2 DHCW sits alongside the current seven Local Health Boards and three NHS Trusts in Wales, and its functions relates to the provision of digital platforms, systems and services and supporting the improvement of such systems and any such other functions as the Welsh Ministers may direct so as to secure the provision or promotion of services under the 2006 Act.
 - 2.3 In accordance with the Establishment Order, DHCW has been directed by the Welsh Ministers under the Digital Health and Care Wales (No.2) Directions 2021 (the 2021 Directions) to carry out functions in relation to the provision or promotion of effective digital platforms, systems and services, including arrangements for the digital collection, storage, processing, analysis, use and dissemination of health service data (being data processed for or in connection with the provision or promotion of services under the 2006 Act). Furthermore, under the 2021 Directions, DHCW may do anything which is calculated to facilitate or is conducive or incidental to, the discharge of these functions.

¹ 2012 c. 7



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2.4 The Welsh Ministers have provided DHCW with funding to develop and maintain an NHS Wales App for Wales in line with its functions.

3. Purpose

3.1 The purpose of this Request is to request NHS England to support DHCW in its statutory duty to secure services for the provision of healthcare by NHS England providing the NHS login service as an authentication and identification method for residents of Wales to access services delivered by third party suppliers on behalf of health providers in Wales (Purpose).

3.2 The NHS login service may be used by third party suppliers which have been assessed by DHCW as being beneficial to health services in Wales and to the recipients of healthcare services provided in Wales.

4. Establishing and operating information systems for NHS Wales - NHS login

4.1 Under section 255(1) of the 2012 Act, DHCW requests that NHS England establishes and operates an information system for the collection and analysis of information as is necessary to provide the existing English NHS login service to residents of Wales that register for an NHS login account in services delivered by third party suppliers on behalf of health providers in Wales (Third Party Connected Services). The system to be established and operated is NHS Wales – NHS login Information System for third party suppliers.

4.2 This Request is a confidential information collection request within the terms of section 256(1) of the 2012 Act because the information that will be collected will enable the identity of an individual to be ascertained. The NHS Wales – NHS login Information System for third party suppliers will use NHS login to verify an individual's identity and provide an authentication system to manage access to digital health services in Wales, including the Third Party Connected Services.

4.3 In accordance with 256(2)(c) of the 2012 Act, DHCW confirms that the information may be lawfully disclosed to DHCW because the information is voluntarily provided by users in Wales that wish to register an NHS login account and use the Third Party Connected Services.

4.4 The information to be collected is set out in the NHS Wales – NHS login Information System for third party suppliers Requirements Specification attached as an Annex to this Request, which may be updated periodically (within the confines of the scope set out in this Request) by NHS England and agreed in writing by DHCW (Requirements Specification).

4.5 Pursuant to 255(1) of the 2012 Act, NHS England is requested to analyse the information collected and/or obtained by NHS England complying with this Request, as may be requested by DHCW or as NHS England determines is necessary to achieve the Purpose.



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4.6 Such analysis referred to above includes:

- 4.6.1 analysis by reference or linkage to other data obtained by NHS England as described in the Requirements Specification.
- 4.6.2 analysis for data quality purposes, including undertaking comparison and consistency analysis of the same or similar information obtained through other information systems established by NHS England under any other request made by DHCW under section 255 of the 2012 Act, and taking such steps as NHS England considers appropriate to maintain data quality, accuracy and consistency of information it has obtained under this Request.

4.7 NHS England is requested to carry out the activities above in accordance with the Requirements Specification and generally in such a way as to enable and facilitate the Purpose described above.

5. Requirement for this Request

- 5.1 In accordance with section 255(2) of the 2012 Act, DHCW considers that the information which could be obtained by NHS England complying with this Request is information which is necessary or expedient for DHCW to have in relation to the exercise of DHCW's functions in connection with the provision of healthcare in Wales, and in particular to enable the DHCW to comply with its functions pursuant to the Establishment Order.
- 5.2 In accordance with section 257(4) of the 2012 Act, DHCW has consulted with NHS England before making this request.

6. Dissemination

- 6.1 In accordance with section 262(4)(b) of the 2012 Act:
 - 6.1.1 DHCW requests that NHS England exercises the power it has under section 261(2)(c) to disseminate the user's NHS login information to the Third Party Connected Service, where the NHS login user has consented to this.
 - 6.1.2 Where the user accesses the Third Party Connected Service via DHCW's NHS Wales App, DHCW requests that NHS England exercises the powers it has under section 261(5)(d) and section 261(2)(c) to disseminate the user's NHS login information to DHCW and the Third Party Connected Service, where the NHS login user has consented to this, to enable NHS login single sign on (SSO) functionality.
- 6.2 In accordance with section 262(4)(b) of the 2012 Act, DHCW requests that NHS England exercises the power it has under section 261(5)(d) to share statistical information about NHS login usage with DHCW, the Welsh Ministers, the Department of Health and Social Care and its associated agencies and arm's length bodies,



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including but not limited to the UK Health Security Agency. Such information will not contain personal data¹.

6.3 In accordance with section 262(7) of the Act, NHS England is requested to disseminate the information obtained by complying with this Request in a form, manner and timing as agreed in the Specification.

7. Fees

7.1 DHCW acknowledges that in accordance with section 257(3) of the 2012 Act, NHS England is entitled to charge a reasonable fee in respect of the cost of NHS England complying with this request.

7.2 DHCW and NHS England (the Parties) have entered into a Provision of Services Agreement (POSA DHCW), dated 5th January 2022, which applies to the services NHS England is providing to DHCW in relation to this Request. A Work Package between the Parties (under clauses 3–3.6 of the POSA) has been initiated for the provision of the existing English NHS login service to residents of Wales which contains details of the services being provided by NHS England and the charges payable by DHCW.

8. Duration

NHS England is requested to operate the NHS Wales – NHS login Information System for third party suppliers (the Requested Function) unless and until requested in writing by an authorised officer of DHCW on reasonable notice to suspend and/or permanently cease the Requested Function. Where the Requested Function is to cease, such written request will also revoke this section 255 Request in accordance with the timescales and arrangements to be agreed with NHS England.

9. Review of this Request

This Request will be reviewed when the Specification is materially amended. This review will include consultation with NHS England.

Yours Sincerely,

Signed by authority of Digital Health and Care Wales
Prof. Helen Thomas
Chief Executive Digital Health & Care Wales
Date signed: 23rd May 2024

¹ As defined under UK GDPR Article 4(1).