



**Staffordshire and
Stoke-on-Trent**
Integrated Care Board

Our Ref: PW/AKB/FOI/0824/960

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

28th August 2024

Telephone: 0300 123 1461

Sent by email

Dear

FOI-0824-960

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on the 19th August 2024. We can confirm that the Staffordshire and Stoke-on-Trent Integrated Care Board can provide the following information.

An anonymised copy of this response will be made publicly available on the ICB website.

Please see our responses in blue below:

The Transformation Directorate's website indicates that the NHS is increasingly using technology to support care, with such technologies including virtual wards, apps, remote monitoring technologies, patient portals, and telemedicine devices. Examples of technology being used to support children's care are provided on some trusts' websites. A limited number of examples of how such technologies are being used to support children's care are also outlined on the Transformation Directorate's website. There appears to be no comprehensive database for the public to access which outlines the technologies and apps that are currently being used to support children's care.

Where posts discuss how the NHS is using virtual wards, apps, remote technologies, patient portals and telemedicine devices, no information is provided about what parents and children are told about how their data will be used or whether parents are able to opt out of such technology use.

In response to a FOI request Ref: FOI-2407-21123294 NHS England advised that as of July 2022, and under the Health and Care Act 2022, the Integrated Care Boards (ICB's) became statutory bodies with the responsibility to fulfil legal and regulatory obligations including adherence to government standards such as

GDPR and clinical safety standards and that the information requested below therefore resides at an ICB level.

1. Please can you therefore provide details of
 - a) Whether (as at August 2024) any of the following are used in your ICB area to support children's care: telehealth and telemedicine technologies, MHealth apps, health information technologies, remote monitoring technologies, digital healthcare devices, wearable devices and telemedicine devices and/or any other technologies designed to facilitate personalised medicine not detailed above.
 - b) The names/details of technologies being used.
 - c) The purposes for which such technologies are being used. NB we are not asking for detailed information about the operation or implementation of these technologies, but merely the broad purposes for which they are being used.
2. In your ICB area, please can you advise what information clinicians are given about how data collected by such technology is processed, for what purposes, and with whom it is shared. Again, we are asking for information in broad terms e.g. whether information is shared with commercial entities/third parties and the status of those entities ie technology provider but not the names of those entities.
3. Please can you confirm what information doctors and other health professionals in your ICB area give/are advised to give to child patients and/or their parents about the benefits and risks of using such technology generally/specifically.
4. Please can you confirm what information doctors and other health professionals in your ICB area give/are advised to give to child patients and/or their parents about how data collected by such technology is processed, for what purposes, and with whom it is shared.
5. Please can you provide copies of all policies and documents that have been developed by or within the ICB with a view to ensuring that when NHS staff are advocating the use of such technology, children and parents' information is processed in accordance with the UKGDPR.
6. Please can you advise what information is currently provided within your ICB area for the child patients and their parents to refer to should they have any queries about how data collected by such technologies is used and by whom.
7. Please can you advise what advice is provided to clinicians in your ICB area about the response they should give where a child patient or their parent does not wish to use such technologies/wishes to opt out of data collection or sharing related to the use of such technologies.

Please be advised that the Staffordshire and Stoke-on-Trent ICB does not hold this information.

Detailed below are the main NHS Healthcare Providers within the Staffordshire and Stoke-on-Trent area. The Providers are the UK GDPR Data Controllers and accountable bodies under that, DCB0160 and FOIA. Therefore we would recommend you contacting them directly for the details requested above.

Midlands Partnership University NHS Foundation Trust
<https://www.mpft.nhs.uk/about-us/freedom-information>

University Hospitals of North Midlands NHS Trust
<https://www.uhnm.nhs.uk/contact-us/>

University Hospitals of Derby and Burton NHS Trust
<https://www.uhdb.nhs.uk/freedom-of-information-foi/>

Royal Wolverhampton NHS Trust

<https://www.royalwolverhampton.nhs.uk/about-us/freedom-of-information/>

North Staffordshire Combined Healthcare NHS Trust
<https://www.combined.nhs.uk/get-in-touch/freedom-of-information/>

With regard to the ICB's legal and regulatory obligations, we detail below an explanation of the rules followed by the ICB in respect of GDPR and clinical safety standards for your information:

- *GDPR and FOIA compliance duties belong to all organisations in the UK as Data Controllers or Data Processors.*
- *The ICB is neither a Data Controller or Data Processor in respect of the technologies listed. We do not operate them or put / use the data that flow between them.*
- *The Health and Care Act 2022 does indeed confer GDPR duties on ICBs, but only for our own obligations and not the rest of the ICS. We have no 'statutory reach' into our system partners' information governance.*
- *The ICB is an NHS Commissioner with no such statutory powers. We are also not a Regulator like the Care Quality Commission, NHS England or NICE.*
- *The ICB is not referred to within the DCB0160 guidance. This guidance provides a set of requirements suitably structured to promote and ensure the effective application of clinical risk management by those health organisations that are responsible for the deployment, use, maintenance or decommissioning of Health IT Systems within the health and care environment. Only relevant bodies need to comply, namely Acute Trusts, Local Authority Directors of Social Care, Practice Managers of GP Surgeries, as deploying the Information Technology.*
- *NHS Commissioner sole duties are instead to arrange for (commission) healthcare services that assure it.*

- *The obligations cited only apply to providers of health or care services, through their own Governance.*
- *NHS England and ICBs' simply need to check those through their contract compliance interactions, as the commissioner.*
- *DCB0160 only applies to all 'Health Organisations' within which a Health IT System is **deployed or used for a healthcare purpose**.*
- *Telemedicine is not physically deployed inside the ICB. We do not use it or employ clinical staff.*
- *Similarly, neither do we undertake clinical risk management to ensure any IT System deployed does not compromise patient safety.*
- *Providers process ALL the data involved and determine (as sovereign statutory bodies themselves subject to GDPR & FOIA), the 'what, how, where' that is processed.*
- *An ICB can only answer IF it has the means to – as in, has delegated authority from providers or from NHSE. Or requires the providers doing to share that information with us under contract.*

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

To request an internal review

You can request an internal review by contacting the Staffordshire and Stoke-on-Trent Integrated Care Board FOI team by emailing the team at StaffsStokeFOI@staffsstoke.icb.nhs.uk or by post to the address at the top of this letter.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Staffordshire and Stoke-on-Trent Integrated Care Board's FOI complaints procedure.

The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk



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Yours sincerely

Paul Winter
Associate Director of Corporate Governance