

NHS Digital - Data Access Request Service (DARS)

Questions and Guidance to consider

NHS Digital (NHSD) have recently updated their web pages to provide very clear guidance on DARS submissions, so ensure you read through the latest version at digital.nhs.uk/data-access-request-service-dars-process before making any submission. This guide is to complement that guidance and provide SGUL specific answers / advice in respect to your application.

NHSD DARS related questions

- Has your organisation signed the NHSD Data Framework Contract?
 - Yes, contact Head of Information Governance (HIG) for details.
- Is your Institute included / covered by this?
 - Yes, it is University wide.
- Has your organisation completed the NHSD Data Security & Protection Toolkit (DSPT)?
 - Yes, contact HIG for details.
- Would the arrangements for your study be covered in the Toolkit return?
 - In most cases the answer will be yes but seek advice from HIG.
- Will you need to share identifiable information with NHS Digital, for example in order for them to perform linkage? If so, you need consent or an alternative legal basis such as section 251 approval for these data flows. Section 251 approval is managed via the Confidentiality Advisory Group (CAG) at the Health Research Authority (HRA).
 - Seek advice from JRES.
- Do you have explicit consent from participants to access data from NHS Digital? It is obviously the preferred option to have consent, but if it can't be obtained you will need to justify this in an evidenced-based way. You will need to identify an alternative legal basis to access NHS Digital data, such as section 251 approval.
 - Seek advice from JRES.

Guidance

- What is the difference between a Framework Contract and a Data Sharing Agreement.

- Framework Contract – is a framework of legally binding terms and conditions that will apply on each and every occasion NHSD agrees to share data with an organisation. The contract must be in place before any data sharing agreement can take place.
- Data Sharing Agreement – each data sharing agreement will be subject to the terms and conditions of the Framework contract and will set out specific terms in relation to the sharing and use of the data by the recipient on that occasion.
- If the University is the data controller for the DARS data received from NHSD then it is important that the HIG is informed of where the data will reside and any touchpoints in the data flow process. A touchpoint can be any pc, memory stick or electronic folder where the data will be held, even if only for a short period of time.
 - A Data Protection Impact Assessment (DPIA) is required for all DARS submissions this can either be through the JRES process and a research DPIA or by a general DPIA managed by the Data Protection Officer.
 - HIG can advise on this.
- The University has a secure Data Safe Haven (DASH) for sensitive research data and this should be used for NHS Digital provided DARS data. If a decision is made not to use the DASH then the PI must seek authorisation by their Institute Director and notify the HIG of the intended location of the data. In addition, the DARS submission must make it clear of where the data requested will reside.
 - Details on the use of DASH can be found on the SGUL web site, [Link](#)
 - Your Institute IG lead, [Link](#), can also provide advice on the use of DASH.
- Once a successful data sharing agreement has been put in place, then it becomes the responsibility of the Principal Investigator to abide by the conditions stated in the agreement and ensure that the data is treated as highly protected. It is also in the agreement that once the Data Sharing Agreement is nearing its expiry date, it is essential that it is either renewed, extended, or amended via another application on DARS at least one month before the expiry date, or alternately destroy the data securely, and send confirmation of this to NHS Digital within 14 days of expiry.