

## Appendix A – External Information Sharing Agreement Template

**National Child Measurement Programme (NCMP)**  
**Bristol City Council External Information Sharing Agreement**

Person primarily responsible for this agreement:

*Who is the senior manager responsible for filling in this template  
 Consultant in public health*

Data owners agreeing the sharing arrangement:

<b>Name</b>	<b>Position</b>	<b>Date of agreement(*)</b>
<i>Who is/are the strategic manager(s) who owns the data being shared?</i>		
	BC Public Health Consultant	03/11/2021
	BCC Public Health Principal	03/11/2021
	BCC Public Health Data Analyst	03/11/2021
	BCC Information Analysts	03/11/2021
	Sirona care & health - Head of Children's Public Health Nursing (BNSSG)	03/11/2021
	Sirona care & health – Business Manager Children's Services -	03/11/2021
	Sirona care & health Clinical Lead for School Nursing – Bristol	03/11/2021
	Sirona care & health – Operational Service Lead	03/11/2021
	Sirona care & health Head of Public Health Nursing for School Nursing – Bristol	03/11/2021
	Sirona care & health - Principal Information Analyst	03/11/2021
	Sirona care & health - Business Intelligence Business Partner	03/11/2021

(\*) Agreement will normally be electronic/via a confirmatory email

### DOCUMENT CONTROL

## Version 1.04

Author	
Contributors	
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Post responsible for revision	
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## Version 1.04

### Completing this agreement

This agreement exists under Bristol City Council's External Data Sharing protocol. This is a template for a model agreement. It can be edited and extended as needed but all agreements must specify as a minimum:

- the business reasons for sharing.
- the organisation to be shared with.
- frequency of data sharing.
- the data to be shared.
- the arrangements for sharing Bristol City Council data.
- the arrangements for receiving partner organisation data.
- governance of data.
- who will have access to the shared data.
- timetable and responsibility for review of the arrangement.
- a risk assessment.

This agreement deals with the legal aspects of sharing information, not the costs. Sharing should only be implemented where there is an appropriate business case.

## 1. Executive Summary

1.1 Please complete a short executive summary introducing the data sharing to take place and insert it here.

What is the National Child Measurement Programme (NCMP)?

The National Child Measurement Programme (NCMP) is a system of childhood weight surveillance for reception and year 6 age children in England. It is a mandatory duty of public health in local authorities to conduct this work and share information with NHS Digital who collate national statistics from the data collected by each local authority. The programme is lead nationally by the Office for Health Improvement and Disparities (OHID) (which succeeded Public Health England (PHE) in October 2021), and NHS Digital. The programme must be conducted locally in accordance with the guidance created by NHS Digital.

In Bristol, NCMP is delivered in almost all mainstream state primary schools, collecting the measurements of in excess of 9,000 children each year.

How is the programme delivered?

The local delivery of the programme involves Public Health in Bristol City Council commissioning an appropriate provider (currently Sirona care & health) to conduct the majority of the administration and measurement activity in schools, with some support and oversight, as well as the final submission of data by staff within the Public Health team in BCC. Delivery of the programme involves a number of processes, repeated during each academic year for the two year group cohorts in scope:

- Parent/s and/or carer/s are informed of the measurements planned, the purpose of the programme and the data collection and sharing that will take place. They have the right to opt-out of the programme at this stage, and no measurement of their

## Version 1.04

child will occur. Children may also opt-out of the process at any time on the day of measurement if they so wish.

- The education team in Bristol City Council provide details of all pupils in scope for measurement as the basis for the recording of measurements of height and weight. Data is collated on an NHS Digital-provided secure website, with access rights controlled by a single individual 'super user' with the appropriate responsibilities within the provider organisation. Only one Public Health staff member within Bristol City Council has access to this website, in accordance with NCMP guidance, to provide some oversight where necessary and action data quality checks and the final submission of data to NHS Digital.
- Measurements are conducted in schools by trained healthcare staff with the appropriate Enhanced Disclosure and Barring Service check (DBS). The data they collect is entered on the secure website. A pupil's weight category is not calculated at this time, or shared with the pupil or any other school staff.
- At regular intervals during the year, the pupil measurement data is used to generate feedback letters to parent/s and/or carer/s advising them of the weight category of their child with supporting information as appropriate. These letters may be sent for all measured children, or just for specific weight categories as operational needs requires.
- At the end of the academic year, the record level pupil measurement data is shared with NHS Digital as the mandated process requires. NHS Digital return this data to the local authority several months later with additional data fields added for analytical use, what is referred to as the 'enhanced dataset'. NHS Digital then commit to delete any identifiable pupil data from the website they administer for data collection within the next few months.
- Public Health in the local authority retains this enhanced dataset, collating several years of data (back to 2010/11 at present) for analysis and needs assessment purposes. This dataset is stored securely within an access controlled area of the IT network that only named Public Health information staff can use. Any usage of the dataset is in strict adherence with confidentiality rules set out in the NCMP guidance created by NHS Digital, which does not allow for the publication or sharing of any statistics derived from the enhanced dataset that would identify an individual.

The lawful basis for the processing of NCMP data under the GDPR is considered to be 'compliance with a legal obligation' and the 'provision of health or social care'; consent is **not** the lawful basis for the NCMP.

The opportunity must be provided for parents to withdraw their children from the NCMP in accordance with Regulation 12 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

It has been announced by PHE **that No change** will be needed to the way NCMP data is processed by local authorities for the 2021/22 school year onwards for this to be lawful under the GDPR.

## Version 1.04

For the NCMP programme all local authorities in England are required to collect information on the height and weight of Reception and Year 6 school children.

4.2 The statutory authority for processing NCMP data is provided by The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

4.3 This statutory authority for the NCMP means that the lawful basis for processing this data is considered to be provided by the following Articles of the GDPR:

**Article 6(1)(c):** processing is necessary for compliance with a legal obligation to which the controller is subject

**Article 6(1)(e):** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

**Article 9(2)(h):** processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services

**Article 9(2)(i):** processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

Consent is **not** the lawful basis for the processing of NCMP data; 'compliance with a legal obligation' and 'provision of health or social care' together are considered to provide this.

The NCMP Regulations state that parents must be provided with the opportunity to withdraw their children from participation in the height and weight measurement.

PHE stated that

There will be revised national guidance, including a pre-measurement letter and parental information leaflet, this will be issued by PHE for the 2021/22 school year.

All local authorities should submit NCMP data from all state maintained schools within their area to NHS Digital. Privately-funded and special schools should also be included where local resources allow.

## 2. Business reasons for sharing

- 2.1 What is the purpose of sharing data?
- 2.2 Objectives and/or outcomes
- 2.3 Why do we need to share data?
- 2.4 How will the shared data be used?
- 2.5 How will you ensure that only the required data is shared and nothing more?
- 2.6 What are the legal gateways or statutory legislation which allows you to share this data?

## Version 1.04

### Rationale and legal basis for data collection:

The NCMP is key to monitoring the progress of the Government's Childhood Obesity Plan. It provides the data for the Public Health Outcomes Framework indicators on "excess weight in children aged four to five years and ten to 11 years." Because the data is valid at local level, it can also be used to inform the development and monitoring of local childhood obesity strategies

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## Version 1.04

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There will be revised national guidance, including a pre-measurement letter and parental information leaflet; this will be issued by PHE for the 2021/22 school year.

All local authorities should submit NCMP data from all state maintained schools within their area to NHS Digital. Privately-funded and special schools should also be included where local resources allow.

### 3. Organisation to be shared with

Sirona care & health as this is the organisation commissioned to deliver the measurements by BCC NHS Digital as per the NCMP guidance stating that all local authorities should submit NCMP data from all state maintained schools within their area to NHS Digital. Privately-funded and special schools should also be included where local resources allow.

- 3.1 The name of the external organisation involved in the data sharing.  
Sirona care & health CIC  
Data is also submitted to NHS Digital
- 3.2 Primary contact at the external organisation.  
Sirona care & health - Head of Children's Public Health Nursing (BNSSG)  
Sirona care & health – Business Manager Children's Services

### 4. Frequency of data sharing

- 4.1 One off data sharing or on-going?  
Ongoing -this programme collects data annually.  
Pupil details derived from the pupil census twice per year, typically Aug/Sep (year and Dec/Jan (reception year)
- 4.2 If this is an on-going data sharing agreement, when will the agreement end?  
The agreement is to be on going as NCMP measurements occur annually
- 4.3 At the end of the sharing agreement what will happen to the shared data?  
The data sharing agreement is on- going. Personal information incorporated into the records of individuals measured by the programme will be retained as required by the appropriate retention policy for child health data.
- 4.4 What is the timescale of reviewing the effectiveness of the data sharing initiative and the data sharing agreement?  
New contract
- 4.5 What are the procedures for terminating the data sharing agreement and when will the shared data be returned or deleted?  
Data kept securely by BCC and will comply with Bristol City Council Policy  
Provider would be contacted to confirm and ensure deletion of data.

### 5. Data to be shared

- 5.1 Bristol City Council Data to be shared with partner organisations Sirona care & health.

Data	Format	Source	IAO	Custodian(s)
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**Version 1.04**

School name, school ID number, pupil UPN, pupil surname and forename/s, DOB, gender, full address including postcode, academic year, ethnicity code where available	Pupil-level records	Bristol City Council education team		
Pupil first name and last name, DOB, pupil UPN (if available), gender, ethnicity (if available), academic year, school ID number, pupil full address including postcode, height & weight & date measured & clinical weight category (if measured) or reason for non-measurement (if not measured).	Pupil-level records	Bristol City Council public health team		



**Version 1.04**

5.2 Partner Organisation Data to be shared with Bristol City Council

Data	Format	Source	Contact within Partner Organisation	BCC Staff member acting as Custodian
<p><b>For pupils not identified in data provided to SIRONA CARE &amp; HEALTH by BCC from pupil census, or where additions / corrections to that data are required:</b></p> <p>Pupil first name and last name, DOB, pupil UPN (if available), gender, ethnicity (if available), academic year, school ID number, pupil full address including postcode</p> <p><b>For all pupils seen in school, or identified in data provided to SIRONA CARE &amp; HEALTH by BCC from pupil census:</b></p> <p>Height &amp; weight &amp; date measured (if measured) or reason for non-measurement (if not measured)</p>	<p>Pupil-level records</p>	<p>Sirona care &amp; health</p>		

## 6. Arrangements for sharing BCC Data

### ***Bristol City Council education team to Sirona care & health:***

- 6.1 How will the BCC data be extracted from its secure environment?
- 6.2 Where will the BCC data be stored once extracted?
- 6.3 How will the BCC data be moved to the new environment?
- 6.4 How will it be protected on transit and in the new environment?
- 6.5. How often will extracts happen?
- 6.6 How much data is expected to be shared?
- 6.7 What arrangements will be made for checking data quality/accuracy and correcting original sources data if needed?

### ***Bristol City Council public health team to NHS Digital:***

- 6.1 How will the BCC data be extracted from its secure environment?

*All data is stored and edited within a secure, access controlled purpose-built NCMP website provided by NHS Digital. This system is used by our provider SIRONA CARE & HEALTH to record height and weight details as well as edit and add pupil details. BCC public health as commissioner also has access to this dataset while it is being collected. Transfer of data to NHS Digital is achieved through a release of the data within this secure environment, once authorised by BCC public health team and NCMP lead.*

- 6.2 Where will the BCC data be stored once extracted?

*Not applicable. See answer to 6.1 above*

- 6.3 How will the BCC data be moved to the new environment?

*See answer to 6.1 above*

- 6.4 How will it be protected on transit and in the new environment?

*See answer to 6.1 above. The website has strict controls on user access in terms of access to the website, functionality and which data can be viewed within the system.*

- 6.5. How often will extracts happen?

*The authorisation for transfer of Bristol data to NHS Digital takes place annually at the end of NCMP process and academic year, following some validation by the BCC public health team, typically in mid-August.*

- 6.6 How much data is expected to be shared?

*Between 9,000 and 10,000 pupil level records per year.*

- 6.7 What arrangements will be made for checking data quality/accuracy and correcting original sources data if needed?

*Checks are made with the schools close to the time of the measurement visits to verify pupil and contact address details, any additions/corrections are actioned within the website dataset. Height and weight measurements are validated for data quality via automated checks within the website at the point of entry, as well as flagged for additional checking by the provider carrying out the measurements. Any changes to pupils details noted during the process are not currently used to amend the pupil records held by the BCC education team as the pupil census is run several times per year and is the effective and systematic route to updating this data.*

## **7. Arrangements for Receiving Partner Organisation Data**

### ***Sirona care & health to Bristol City Council public health team:***

7.1 How often will partner data extracts happen?

*As explained in 6.1 above, both provider (Sirona care & health) and commissioner (BCC public health) have access to the secure NCMP website. Therefore data is not transferred via a discrete extract and exchange of dataset/s, it is constantly shared throughout the measurement period from September to July.*

7.2 Where will the partner data be stored once extracted?

*Not applicable. All data held on NCMP website throughout process.*

7.3 How will the partner data be moved to the new environment?

*Sirona care & health record pupil measurements and amendments/additions to pupil details directly onto the secure NCMP website, there is no transfer external to that secure environment.*

7.4 How will it be protected on transit and in the new environment?

*Not applicable. All data held on NCMP website throughout process. NCMP website was purpose-built by NHS Digital for this process. Access is password controlled with users required to register with NHS Digital personally, and access rights are administered locally so that appropriate functionality and precise data access (e.g. down to school-level) is strictly controlled by super-users (1 in SIRONA CARE & HEALTH and 1 in BCC public health)*

7.5. How much data is expected to be shared?

*In a typical year of the programme we would expect between 9,000 and 10,000 pupil records to be on the system.*

7.6 What arrangements will be made for checking data quality/accuracy and correcting original sources data if needed?

*As per the response to 6.7 above.*

## 8. Governance

- 8.1 When and how will the shared data be disposed of; especially if each party has different retention periods? As per BCC guidance and retention policy
- 8.2 What constraints will be upon all the data sharing parties i.e. unable to sell to a 3<sup>rd</sup> party; must securely dispose of the data at the end of the data sharing agreement? The contract specifies acceptable use of the data.
- 8.3 Will you ensure common data rules are established i.e. how will date of birth be recorded (DD/MM/YYYY or YYYY/MM/DD)?

*Data formats are stipulated in the relevant NCMP national guidance, and the secure NCMP website has automated warnings and corrections built-in to query potential errors and remind users of the correct formats to use for all data recorded there.*

- 8.4 Are there procedures in place for responding to any Data Protection Act or Freedom of Information access requests regarding the shared information?  
All FOI are forwarded to Public Health Business Manager

## 9. Access to the shared data

### 9.1 Who will have access to Bristol City Council's data when it is shared?

Organisation	Role	Person	Activity to be carried out	Limitations to access
NHS Digital	To collate data nationally	NHS Digital staff	<i>Collation of a national dataset of NCMP measurements. Validation of data submitted and provision of a 'cleaned' dataset back to LA PH teams. Data used for national scale analyses.</i>	<i>Identifiable fields are removed as soon as possible within process. No identifiable data is presented or shared with anyone other than the contributing LA PH team that provided it to NHS Digital.</i>
<i>Sirona care &amp; health</i>	To obtain, record and share pupil measurements as per contract	<i>Sirona care &amp; health - School Nursing Leads  Sirona care &amp; health – Operational Service Lead for PHN  Sirona care &amp; health - Data Analyst, Business Intelligence</i>	To use pupil details provided by BCC education team, to set-up the NCMP website for recording Bristol school NCMP measurement results. Subsequent recording of pupil measurements on that website, plus any amendments / additions to the pupil details also.	Access to the NCMP website restricted to named users carrying out the measurements in schools and recording the information, plus the lead analyst / NCMP lead manager with responsibilities for administration of the website and oversight of information collection on behalf of the provider.

## Version 1.04

### 9.2 Who will have access to the partner organisation's data when it is shared?

Organisation	Role	Person	Activity to be carried out	Limitations to access
Bristol City Council	<b>Public Health Analyst</b>		<i>Occasional oversight and query resolution, as well as data quality checking of NCMP data recorded by the provider organisation, prior to end of year submission to NHS Digital</i>	<i>Access to the NCMP website restricted to named user within BCC public health. All use of data recorded is in accordance with the NCMP guidance and relevant legislation governing the conduct of the process, e.g. no identifiable or potentially identifiable data is shared with anyone not directly involved in the data collection process.</i>

## 10. Review timetable

- 10.1 Review frequency.  
Twelve monthly to start with
- 10.2 Next review due: 1<sup>st</sup> April 2023
- 10.3 Who will carry out the review? BCC public health NCMP leads, as well as (Sirona care & health) (or successor analyst/s within provider organisation)

## 11. Breach of agreement

11.1 If this data sharing agreement is breached the following apply:

- Bristol City Council's Information Security Team must be contacted within 24 hours
- The Primary Contact at the external organisation must be contacted within 24 hours
  
- If any of the parties to this agreement:
  - a) Becomes aware of any unauthorised or unlawful processing of any relevant Data or that any relevant Data is lost or destroyed or has become damaged, corrupted or unusable;
  - b) Becomes aware of any security breach; or
  - c) Believes any security feature has been revealed to or obtained by any unauthorised person,
  
- They shall without delay notify the other parties to this agreement and fully co-operate with the other parties to remedy the issue as soon as reasonably practicable, and in any event within 24 hours of identification of any potential or actual loss so the parties may provide such assistance to each other as is necessary to allow the handling of any data breach in a compliant manner.
  
- The parties confirm they have in place their own guidance that must be followed in the event of a data security breach.
  
- In the event of a dispute or claim brought by a data subject or the Data Protection Authority concerning the processing of Shared Personal Data against any of the parties, the parties will inform each other about any such disputes or claims, and will cooperate with a view to settling them amicably in a timely fashion.
  
- The Data Disclosers and Data Receiver undertake to indemnify each other and hold each other harmless from any cost, charge, damages, expense or loss which they cause each other as a result of their breach of any of the provisions of this Agreement

## 12. Risk assessments

Probability/Impact: 4 = Very high; 3 = High; 2 = Medium; 1 = Low

Priority score (= Probability \* Impact): Red (12-16); Red/Amber (6-9); Amber/Green (3-4); Green (1-2)

Description (inc. consequence & impact on project)	Likelihood	Impact	Priority	Countermeasure / Risk response (inc. contingency)	Residual		
					Likelihood	Impact	Priority
<b>Risks of sharing information:</b>							
Information will be lost or disclosed in transit from the existing location to the sharing location	1	3	3	<i>Unlikely as most information sharing is actioned entirely within a secure website. Any other information sharing (e.g. provision of pupil details from education) would be via secure e-mail and password protected</i>			
Information will not be protected adequately at the shared location	1	3	3	<i>Unlikely as most information sharing is actioned entirely within a secure website. Other appropriate data security provisions are outlined in the contract between BCC and the provider.</i>			
Combined information resulting from sharing will be more sensitive than the component parts, and won't be adequately protected.	1	3	3	<i>Unlikely as most information sharing is actioned entirely within a secure website. Other appropriate data security provisions are outlined in the contract between BCC and the provider.</i>			
Shared information will be passed on inappropriately to other people or situations	1	3	3	<i>Unlikely as there are clear data sharing protocols. All staff involved in NCMP data collection are familiar with the importance of patient/client data security through their other work roles also.</i>			
Shared information will not be disposed of properly at end of life.	1	3	3	<i>Unlikely as comply with BCC data retention policy</i>			



Version 1.04

Description (inc. consequence & impact on project)	Likelihood	Impact	Priority	Countermeasure / Risk response (inc. contingency)	Residual	
<b>Risks of <i>not</i> sharing information:</b>						
<b>Critical case management information is not disclosed.</b> - Bristol NCMP data will not be collected and therefore will not be included in the national NCMP programme. Bristol will not contribute to data providing information on national trends. Lack of local data will also lead to lack of information to inform and support the service planning and delivery in Bristol, on an issue that is high in the public health agenda.	1	2		The NCMP process is a mandatory statutory function of public health in the local authority. It forms an important part of business plans for the public health information team, and the CYP PH team in BCC. Unlikely not to take place unless national guidance and legislation were to change.		
<b>New business processes do not take into account information needs</b> - Bristol NCMP data will not be collected and therefore will not be included in the national NCMP programme. Bristol will not contribute to data providing information on national trends. Lack of local data will also lead to lack of information to inform and support the service planning and delivery in Bristol, on an issue that is high in the public health agenda.	1	2		The NCMP process is a mandatory statutory function of public health in the local authority. It forms an important part of business plans for the public health information team, and the CYP PH team in BCC. Unlikely not to take place unless national guidance and legislation were to change.		
<b>Critical business information is not available/accessible</b> - Bristol NCMP data will not be collected and therefore will not be included in the national NCMP programme. Bristol will not contribute to data providing information on national trends. Lack of local data will also lead to lack of information to inform and support the service planning and delivery in Bristol, on an issue that is high in the public health agenda.	1	2		The NCMP process is a mandatory statutory function of public health in the local authority. It forms an important part of business plans for the public health information team, and the CYP PH team in BCC. Unlikely not to take place unless national guidance and legislation were to change.		
<b>Information is not available to the right people at the right time</b> - PHOF Outcomes not met. Lack of local data will also lead to lack of information to inform and support the service planning and delivery in Bristol	1	2		The NCMP process is a mandatory statutory function of public health in the local authority. It forms an important part of business plans for the public health information team, and the CYP PH team in BCC. Unlikely not to take place unless national guidance and legislation were to change. Further to this, the public health information team have many years' experience of		

				working with NCMP data, using it appropriately and proactively for PH intelligence purposes within the public health team and wider local authority.		
Partnership objectives not met	1	2		Penalties may be imposed if SIRONA CARE & HEALTH do not deliver the NCMP programme as stipulated in the contract between BCC and the provider, and the national guidance on NCMP.		
<b>Reduced coordination of activities - PHOF</b> Outcomes not met. Lack of local data will also lead to lack of information to inform and support the service planning and delivery in Bristol	1	2		The NCMP process is a mandatory statutory function of public health in the local authority. It forms an important part of business plans for the public health information team, and the CYP PH team in BCC. Unlikely not to take place unless national guidance and legislation were to change. Further to this, the public health information team have many years' experience of working with NCMP data, using it appropriately and proactively for PH intelligence purposes within the public health team and wider local authority.		

### 13. Signatories

13.1 The undersigned hereby agree to comply with the above protocol.

#### Signatures

Organisation	Nominated Officer	Signature	Date
Bristol City Council			3/11/21
			09/11/21

#### Signatures

Organisation	Nominated Officer	Signature	Date
SIRONA CARE & HEALTH			03/11/21
SIRONA CARE & HEALTH			03/11/21

**Signatures**

Organisation	Nominated Officer	Signature	Date