

Fair Processing Notice (Privacy Notice)

Your Personal Information – what you need to know

Who we are and what we do

NHS North East Hampshire and Farnham Clinical Commissioning Group (CCG) is responsible for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, as well as community and primary medical care (GP) services. We also have a performance monitoring role for these services, which includes ensuring that the highest quality of healthcare is provided and responding to any concerns from our patients on services offered. This is known as commissioning. For further information please refer to the 'About Us' page on our Website: <http://www.northeasthampshireandfarnhamccg.nhs.uk/about-the-ccg>

Using your information

We need to use information about you to enable us to commission services effectively, efficiently and safely.

Our CCG holds some information about you and this document outlines how that information is used, who we may share that information with and why, how we keep it secure (confidential) and what your rights are in relation to this.

What kind of information do we use?

As a Commissioner we do not routinely hold or have access to your medical records. However, we may need to hold some personal information about you, for example:

- Your name, address, your date of birth and your NHS number, contact details
- Details of your GP, what treatment you have received and where you received it
- Details of concerns or complaints you have raised about your health care provision and we need to investigate
- If you ask us for our help or involvement with your healthcare, or where we are required to fund specific specialised treatment for a particular condition that is not already covered in our contracts with organisations that provide NHS care
- If you ask us to keep you regularly informed and up-to-date about the work of the CCG, or if you are actively involved in our engagement and consultation activities or service user/Patient Participation Groups

Our records may include relevant information that you have told us, or information provided on your behalf by relatives or those who care for you and know you well, or from health professionals and other staff directly involved in your care and treatment. Our records may be held on paper or in a computer system.

We use the following types of information/data:

- Personal Confidential Information - this term describes personal information or data about identified or identifiable individuals, which should be kept private or secret. For the

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purposes of this notice 'personal' includes the Data Protection Act definition of personal data, but it is adapted to include deceased as well as living people. 'Confidential' includes both information 'given in confidence' and 'that which is owed a duty of confidence' and is adapted to include 'sensitive', as defined in the Data Protection Act.

- Pseudonymised - this is data that has undergone a technical process that replaces your identifiable information such as NHS number, postcode, date of birth with a unique identifier, which obscures the 'real world' identity of the individual patient to those working with the data
- Anonymised – this is data about individuals but with identifying details removed so that there is little or no risk of the individual being re-identified
- Aggregated - anonymised information that is grouped together so that it doesn't identify individuals

What do we use your Personal Confidential Data for?

There are some limited exceptions where we may hold and use personal confidential information about you. For example the CCG is required by law to perform certain services that involve the processing of personal confidential information.

The areas where we regularly use personal confidential information include:

- responding to your queries, compliments or concerns
- assessment and evaluation of safeguarding concerns
- where there is a provision permitting the use of confidential personal information under specific conditions, for example to:
 - understand the local population needs and plan for future requirements, which is known as "Risk Stratification for commissioning"

Personal confidential information may also be used in the following cases:

- the information is necessary for your direct healthcare needs
- we need to respond to patients, carers or Member of Parliament communications
- you have freely given your informed agreement (consent) for us to use your information for a specific purpose
- there is an overriding public interest in using the information e.g. in order to safeguard an individual, or to prevent a serious crime
- there is a legal requirement that will allow us to use or provide information (e.g. a formal court order).

What do we use non-identifiable data for?

We use pseudonymised, anonymised and aggregated data to plan health care services. Specifically we use it to:

- check the quality and efficiency of the health services we commission
- prepare performance reports on the services we commission

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- work out what illnesses people may have in the future, so we can plan and prioritise services and ensure these meet the needs of patients in the future
- review the care being provided to make sure it is of the highest standard

Do we share your information with other organisations?

We commission a number of organisations (both within and outside the NHS) to provide healthcare services to you. We may also share anonymised statistical information with them for the purpose of improving local services, research, audit and public health; for example understanding how health conditions spread across our local area compared against other areas.

We would not share information that identifies you unless we have a fair and lawful basis such as:

- You have given us permission;
- We need to act to protect children and vulnerable adults;
- When a formal court order has been served upon us;
- When we are lawfully required to report certain information to the appropriate authorities e.g. to prevent fraud or a serious crime;
- Emergency Planning reasons such as for protecting the health and safety of others;
- When permission is given by the Secretary of State or the Health Research Authority on the advice of the Confidentiality Advisory Group to process confidential information without the explicit consent of individuals

The law provides some NHS bodies, particularly NHS Digital, (formally the Health and Social Care Information Centre) ways of collecting and using patient data that cannot identify a person to help Commissioners to design and procure the combination of services that best suit the population they serve.

How we process information within the CCG

Data may be anonymised and linked with other data so that it can be used to improve health care and development and monitor NHS performance. Where data is used for these statistical purposes, stringent measures are taken to ensure individual patients cannot be identified.

When analysing current health services and proposals for developing future services it is sometimes necessary to link separate individual datasets to be able to produce a comprehensive evaluation. This may involve linking primary care data from your Doctor (GP) with other data such as hospital inpatient stays, outpatient appointments and A&E attendances; this type of data is called secondary uses service (SUS) data. In some cases there may also be a need to link local datasets which could include a range of other hospital based services such as radiology, physiotherapy, audiology etc., as well as mental health and community-based clinics and services such as district nursing, podiatry etc. When carrying out this analysis, the linkage of these datasets is always done using a unique identifier that does not reveal a person's identity as the CCG does not have any access to identifiable data for these purposes.

We also contract with other organisations to process data on our behalf. These organisations are known as Data Processors and we ensure they are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

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A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.

What safeguards are in place to ensure data that identifies you is secure?

We only use information that may identify you in accordance with the Data Protection Act 1998. The Data Protection Act requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

Within the health sector, we also have to follow the common law duty of confidence, which means that where identifiable information about you has been given in confidence, it should be treated as confidential and only shared for the purpose of providing direct healthcare.

Everyone working for the NHS has a legal duty to keep information about you confidential. The NHS Care Record Guarantee and NHS Constitution provide a commitment that all NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.

The [NHS Digital Code of Practice on Confidential Information](#) applies to all of our staff, and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All CCG staff are expected to make sure information is kept confidential and receive annual training on how to do this. This is monitored by the CCG and can be enforced through disciplinary procedures.

We also ensure the information we hold is kept in secure locations, restrict access to information to authorised personnel only, protect personal and confidential information held on equipment such as laptops with encryption (which masks data so that unauthorised users cannot see or make sense of it).

We ensure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

The CCG has a senior member of staff responsible for protecting the confidentiality of patient information. This person is called the Caldicott Guardian. The contact details of our Caldicott Guardian are as follows:

Dr Andrew Whitfield
Tel: 01252 335086
Email: andrewwhitfield@nhs.net

They are supported by another senior member of staff who is responsible for information risk and information security, this person is called the Senior Information Risk Owner (SIRO). The contact details of our SIRO are as follows:

Roshan Patel – Chief Finance Officer
Tel: 01252 335085
Email: Roshan.Patel@nhs.net

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The CCG is registered with the Information Commissioner's Office (ICO) as a data controller and collects data for a variety of purposes. Our registration number is **Z3602334** and a copy of the registration is available through the [ICO website](#).

How long do we hold information for?

All records held by the CCG will be kept for the duration specified by national guidance from NHS Digital, <http://systems.digital.nhs.uk/infogov/iga/rmcop16718.pdf>. Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially sensitive information will be disposed of by approved and secure confidential waste procedures.

Your right to opt out of data sharing and processing

The NHS Constitution states 'You have a right to request that your personal confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

You have the right to withdraw consent to us sharing your confidential and personal information if you do not wish us to process or share it.

There are several forms of opt-outs available at different levels. These include for example:

Information directly collected by the CCG. Your choices can be exercised by withdrawing your consent for the sharing of information that identifies you, unless there is an overriding legal obligation. We will first need to explain how this may affect the care you receive but you can do this by writing to us.

Information not directly collected by the CCG but collected by organisations that provide NHS services. These are known as Type 1 and Type 2 opt-outs and are described below:

Type 1 opt-out. If you do not want personal confidential information that identifies you to be shared outside your GP practice you can register a 'Type 1 opt-out' with your GP practice. This prevents your personal confidential information from being used except for your direct health care needs and in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. Patients are only able to register the opt-out at their GP practice and your records will be identified using a particular code that will stop your records from being shared outside of your GP Practice.

Type 2 opt-out. NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. To support NHS constitutional rights, patients within England are able to opt out of their personal confidential information being shared by NHS Digital for purposes other than their own direct care. If you do not want your personal confidential information to be shared outside of NHS Digital you can register a 'Type 2 opt-out' with your GP practice.

For further information and support relating to Type 2 opt-outs please visit the website at <http://digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>. More information is available on [NHS Digital Your personal information choices](#).

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NHS Digital takes the responsibility for looking after care information very seriously. Please follow the NHS Digital links on [how we look after information](#) for more detailed documentation.

NHS England recognises the importance of protecting personal and confidential information in all that we do, all we direct or commission, and takes care to meet its legal duties. Follow the links on the [How we use your information](#) page for more details.

Gaining access to the data we hold about you

The CCG does not directly provide health care services and therefore does not hold personal healthcare records. If you wish to have sight of, or obtain copies of your own personal health care records you will need to apply to your GP Practice, the hospital or NHS Organisation which provided your health care.

Where information from which you can be identified is held by the CCG, you have the right to ask to:

- View this or request copies of the records by making a **subject access request**.
- request information is corrected
- have the information updated where it is no longer accurate
- ask us to stop processing information about you where we are not required to do so by law

Everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data, but you may be charged a fee. If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld. If you wish to have a copy of the information we hold about you, please note that there may be a charge for this (of up to £50).

You can do this by writing to us at:

Governance Team
NHS North East Hampshire and Farnham CCG
4th Floor
Aldershot Centre for Health
Hospital Hill
Aldershot
GU11 1AY

What is the right to know?

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any information that the CCG holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Act under FOIA. However you can request this under a Subject Access Request – see section above ‘Gaining access to the data we hold about you’.

Your request must be in writing and can be either posted or emailed to:

nehfccg.foi@nhs.net

Postal requests should be directed to:

Freedom of Information
NHS North East Hampshire and Farnham CCG
4th Floor, Aldershot Centre for Health
Hospital Hill
Aldershot
GU11 1AY

<http://www.northeasthamphshireandfarnhamccg.nhs.uk/contact-us/freedom-of-information>

Information Commissioners Office

For independent advice about data protection, privacy, data sharing issues and your rights you can contact:

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

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Email: casework@ico.org.uk or [Visit the ICO website](http://www.ico.org.uk).

Complaints or questions

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. You can contact us by:

Telephone: 01252 335 054

Email: nehccg.commentsandcomplaints@nhs.net

Write to us at:

Quality Team
NHS North East Hampshire and Farnham CCG
4th Floor, Aldershot Centre for Health
Hospital Hill
Aldershot
GU11 1AY

For further information go to: <http://www.northeasthamphshireandfarnhamccg.nhs.uk/contact-us/comments-questions-complaints>

Links to other websites

This privacy notice does not cover the links within this site linking to other websites. We encourage you to read the privacy statements on the other websites you visit.

Changes to this privacy notice

We keep our privacy notice under regular review. This Fair Processing notice was last updated in September 2016.

Appendix A

Activity	Rationale
Complaints	<p>Purpose – To process your personal information if it relates to a complaint where you have asked for our help or involvement.</p> <p>Legal Basis - We will need to rely on your explicit consent to undertake such activities.</p> <p>Data Processor – We process this information ourselves.</p>
Individual Funding Requests	<p>Purpose – We may need to process your personal information where we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts.</p> <p>Legal Basis - The clinical professional who first identifies that you may need the treatment will explain to you the information that is needed to be collected and processed in order to assess your needs and commission your care; they will gain your explicit consent to share this.</p> <p>Data processor – We ask NHS South, Central and West Commissioning Support Unit (CSU) to do this on our behalf.</p>
Continuing Healthcare	<p>Purpose – We may need to process your identifiable information where you have asked for an assessment for Continuing Healthcare funding (a package of care for those with complex medical needs) and you need to have a particular care package commissioned for you.</p> <p>Legal Basis - The clinical professional who first sees you to discuss your needs will explain to you the information that they need to collect and process in order for your needs to be assessed and commission your care; they will gain your explicit consent to share this.</p> <p>Data Processor – we ask NHS West Hampshire CCG to undertake assessments and commission your care on our behalf.</p>
Safeguarding	<p>Purpose – We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis - Because of public Interest issues, e.g. to protect the safety and welfare of vulnerable children and adults, we will rely on a statutory basis rather than consent to process information for this use.</p>

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	<p>Data Processor – we ask NHS West Hampshire CCG and NHS Guildford and Waverley CCG to undertake assessments and commission your care on our behalf.</p>
Risk Stratification	<p>Purpose – Risk stratification is a process for identifying and managing patients who are at high risk of emergency hospital admission.</p> <p>Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission and primary care data collected from GP practice record systems.</p> <p>The CCG will only use non-identifiable information to understand the local population needs, whereas GPs will be able to identify which of their patients are at risk in order to offer a preventative service to them.</p> <p>Legal Basis - The use of data by CCGs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority and this approval has been extended.</p> <p>NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable hospital admissions.</p> <p>Knowledge of the risk profile of our population can help the CCG to commission appropriate preventative services and to promote quality improvement in collaboration with our GP practices.</p> <p>Data Processors – We have asked NHS South, Central and West Commissioning Support Unit (CSU) to assist us with providing Risk Stratification tools and they have commissioned The Sollis Partnership Ltd. to provide a software system called Clarity Patients.</p> <p>Data Processing activities for Risk Stratification - The CCG has asked NHS Digital to provide data about your hospital attendances (SUS) identifiable by your NHS Number and has signed a data sharing agreement for the use of this data.</p> <p>Your GP practice instructs its GP IT system supplier to provide primary care data identifiable by your NHS Number. This is sent via secure transfer, directly into the landing stage of Sollis's system. Within the landing stage, the risk stratification system automatically links and pseudonymises the identifiable data from GP's and NHS Digital. No identifiable data of any patient is seen by CCG staff.</p> <p>Opting Out - If you do not wish information about you to be included in our risk stratification programme, please contact your GP Practice. They can add a code to your records that will stop your information from being used for this purpose. Further information about risk</p>

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	<p>stratification is available from: https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/</p>
Invoice Processing	<p>Purpose – This process ensures that those who provide you with care and treatment can be paid.</p> <p>Data Processors - NHS Shared Business Services (SBS) and NHS South, Central and West Commissioning Support Unit (CSU) process invoices on behalf of the CCG. They do not require and should not receive any patient confidential data to provide their services.</p> <p>NHS England has published guidance on how invoices must be processed. For more information see: https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/</p>
Patient and Public Involvement	<p>Purpose – If you have asked us to keep you regularly informed and up to date about the work of the CCG or if you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and process data which you have agreed to share with us.</p> <p>Legal Basis - We will rely on your consent for this purpose.</p> <p>Data Processor – We process this information ourselves.</p>
Quality monitoring, concerns and serious incidents	<p>Purpose – We need to ensure that the health services you receive are safe, effective and of excellent quality. Sometimes concerns are raised about the care provided or an incident has happened that we need to investigate. You may not have made a complaint to us directly but the health care professional looking after you may decide that we need to know in order to help make improvements.</p> <p>Legal Basis – The health care professional raising the concern or reporting the incident should make every attempt to talk to you about this and gain your consent to share information about you with us. Sometimes they can do this without telling us who you are. We have a statutory duty under the Health and Social Care Act 2012, Part 1, Section 26, in securing continuous improvement in the quality of services provided.</p> <p>Data processor – We process data given to us by GP's and other health care professionals that may include details of the care you have received and any concerns about that care. In order to look into these concerns we may need to talk to other organisations such as other local CCGs as well as other Public bodies and Government agencies such as NHS Improvement, the Care Quality Commission, NHS England as well as the Providers of your care.</p>
Commissioning, planning and contract monitoring	<p>Purpose – To collect NHS data about services we have commissioned to provide services to you. We also work with other local CCGs and often hold joint contracts and commission joint services to make best use of the money available to us.</p>

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	<p>Legal Basis - Our legal basis for collecting and processing information for this purpose is statutory. We set our reporting requirements as part of our contracts with NHS service providers and do not ask them to give us identifiable data about you.</p> <p>Data Processor – NHS Digital collect various data sets from NHS service providers that have been agreed locally. All identifying information about you is removed by NHS Digital before the information is made available for the CCG to monitor and manage its contracts. We also have signed a Data Sharing contract with NHS Digital and have been given approval to use a wide range of data to help us commission care services. This agreement makes sure that we only process data that does not identify you, that we keep the information secure and we do not share it without the agreement of NHS Digital. For more information about the types of data that NHS Digital collect please use this link http://digital.nhs.uk/datasets.</p>
Integrated Care - Vanguard	<p>Purpose – Integrated care has been developed to provide a better experience for you and your carers if you have complex health and social care needs. A jointly managed integrated care plan will be developed to ensure that your care is managed more effectively.</p> <p>This is achieved by an integrated care management team, meeting to establish how they can work together most effectively with you to provide your care. You will be involved in these discussions and will receive a copy of your integrated care plan.</p> <p>To achieve the best care for you, your integrated care plan will be shared with other organisations that you may come into contact with, for example, the GP out of hour's service, the local acute hospitals and others as applicable. These organisations may not be involved with your care currently but by sharing your integrated care plan with them they will be able to recognise that you are receiving integrated care should you need to contact them. Your integrated care plan will therefore be shared electronically with all of the organisations included in your consent form.</p> <p>Legal Basis – The clinical professional who first sees you to discuss your needs will explain to you the information that they need to collect and process in order for your needs to be assessed and commission your care; they will gain your explicit consent to share this.</p> <p>Data Processor – The staff who work in the Integrated Care Teams will jointly process your health and care data with the organisations involved in your care.</p> <p>http://www.northeasthamphshireandfarnhamccg.nhs.uk/vanguard</p>
Commissioning Support	<p>There are some activities that we ask the NHS South, Central and West Commissioning Support Unit (CSU) to undertake on our behalf. These include providing our IT equipment and IT network, contracting, data analysis and information governance support. Some of the CCGs' information will be shared with the CSU in order for them to do this.</p>

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National Registries	National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.
Research	<p>Purpose - To support research oriented proposals and activities in our commissioning system</p> <p>Legal Basis - Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any research. If this is not possible then the organisation wishing to use your information will need to seek formal approval from the Data Access Advisory Group. This link will give you further details on this process http://digital.nhs.uk/daag .</p>
Other organisations who provide support services for us	<p>The CCG will use the services of additional organisations (other than those listed above), who will provide additional expertise to support the work of the CCG.</p> <p>Legal Basis - We have entered into contracts with other organisations to provide some services for us or on our behalf. These organisations may process or be in the vicinity of CCG data and could be identified as 'data processors'. Information that we may hold about you will not be shared or made available to any of these organisations. Below are their details and a brief description of the functions they carry out on our behalf:</p> <p>TIAA – Provide internal audit services for the CCG</p> <p>Grant Thornton – Provide external audit services for the CCG</p> <p>PHS Records Management – For storing archived records</p> <p>For further details, please contact the CCG. http://www.northeasthampshireandfarnhamccg.nhs.uk/contact-us</p>