

# NHS Northern, Eastern and Western Devon Clinical Commissioning Group and NHS South Devon and Torbay Clinical Commissioning Group

## Privacy notice

This Privacy Notice explains what information we collect about you, how we store this information, how long we retain it and with whom and for which legal purpose we may share it.

22 Aug 2018

<b>Who are we?</b>	<p>NHS Northern, Eastern and Western Devon Clinical Commissioning Group (CCG)  Newcourt House  Newcourt Drive  Old Rydon Lane  Exeter  EX2 7JU  <b>Tel:</b> 01392 205 205  <b>Email:</b> <a href="mailto:d-ccg.corporateservices@nhs.net">d-ccg.corporateservices@nhs.net</a></p> <p>NHS Northern, Eastern and Western Devon CCG is the data controller for some information it holds about you. This webpage outlines how that information is used, who we may share that information with and how we keep it secure.</p>
<b>What we do?</b>	<p>Our CCG is responsible for planning, buying and monitoring (also known as commissioning) health services from healthcare providers such as hospitals and GP practices for our local population to ensure the highest quality of healthcare. We also have a performance monitoring role of these services, which includes responding to any concerns from our patients on services offered.</p>
<b>How do we use your information?</b>	<p>Our CCG holds some information about you and this document outlines how that information is used, who we may share that information with, how we keep it secure (confidential) and what your rights are in relation to this.</p> <p>Our legal basis for processing your information falls within the GDPR as follows:</p> <ul style="list-style-type: none"> <li>• Lawfulness of processing – Article 6</li> <li>• Processing of special categories of personal data – Article 9</li> </ul>
<b>What kind of information do we use?</b>	<p>We use the following types of information/data:</p> <ul style="list-style-type: none"> <li>• Identifiable: containing details that identify individuals, usually containing data items such as NHS number, date of birth and home postcode</li> <li>• Pseudonymised: about individuals but with identifying details (such as name or NHS number) replaced with a unique code</li> <li>• Anonymised: about individuals but with identifying details removed</li> <li>• Aggregated: anonymised information grouped together so that it doesn't identify individuals</li> </ul>
<b>Organisations we receive data from</b>	<p>NHS Digital via Data Services for Commissioners Regional Office (DSCRO), Acute Trusts, Community Trusts, Mental Health Trusts and Primary Care organisations such as GPs.</p>

**What do we use anonymised data for?**

We use anonymised 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
- Work out what illnesses people will 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

**What do we use your sensitive and personal information for?**

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

The areas where we regularly use sensitive personal information include:

- A process where you or your GP can request special treatments that is not routinely funded by the NHS, which are known as Individual Funding Requests
- Assessments for continuing healthcare and appeals
- Responding to your queries, compliments or concerns
- Assessment and evaluation of safeguarding concerns
- Where there is a provision permitting the use of sensitive 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”
  - ensure that the CCG is billed accurately for the treatment of its patients, which is known as “invoice validation”
  - monitor access to services, waiting times and particular aspects of care

Sensitive personal information may also be used in the following cases:

- The information is necessary for your direct healthcare
- CCGs responding to patients, carers or Member of Parliament communication
- 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, eg 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 (eg a formal court order).

<b>Patient Complaints</b>	When you make a complaint to the CCG we will store personal details such as your name, date of birth and address.
<b>Destruction Of Personal Data</b>	All data the CCG holds has a retention period, which means depending on which dataset it's in there is a certain date after which the CCG is no longer allowed to use that information and it must be destroyed.
<b>Do you share my information with other organisations?</b>	<p>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, for example understanding how health conditions spread across our local area compared against other areas.</p> <p>We share patient level anonymised information with local Public Health teams, to help to enable them to discharge their statutory functions, including protecting and promoting health and the prevention of disease and injury.</p> <p>The law provides some NHS bodies, particularly the Health and Social Care Information Centre (NHS Digital), 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.</p> <p>We may also share information with NHS England and NHS Digital. If you do not want your information to be used for purposes beyond providing your care you can choose to opt-out. If you wish to do so, please inform your GP practice and they will mark your choice in your medical record. You can opt out of your data being used for some purposes. You can withdraw your opt-out choice at any time by informing your GP practice.</p> <p>NHS Digital takes the responsibility for looking after care information very seriously. Please look on their website <a href="https://digital.nhs.uk">digital.nhs.uk</a> for more detailed documentation.</p> <p>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 '<a href="#">how we use your information</a>' page for more details.</p> <p>Data may be de-identified and linked by these special bodies 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.</p>

	<p>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 (data held about you by your GP practice) with other data such as secondary uses service (SUS) data (data held about you for inpatient, outpatient and A&amp;E activity at hospitals). In some cases there may also be a need to link local datasets which could include a range of acute-based services such as radiology, physiotherapy, audiology etc, as well as mental health and community-based services such as Improving Access to Psychological Therapies (IAPT), 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 patient identifiable data.</p> <p>We may also contract with other organisations to process data. These organisations are known as Data Processors. 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.</p> <p>Currently, the external data processors we work with include (amongst others):</p> <ul style="list-style-type: none"> <li>• Health and Social Care Information Centre (NHS Digital): performs pseudonymisation and linkage of a range of datasets before dissemination to the CCG</li> <li>• South Devon and Torbay CCG: helps link and process patient identifiable information for risk stratification to send to GP practices.</li> </ul>
<p><b>Paying invoices: invoice validation</b></p>	<p>The validation of invoices is undertaken within a controlled environment for finance (CEfF) within our CCG. Invoice validation is undertaken to ensure that the CCG is paying for treatments relating to its patients only and the CCG is allowed to receive identifiable information under section 251 of the NHS Act 2006 to perform this function. The dedicated CEfF team receives information containing identifiers like NHS number, date of birth and home postcode direct from the hospital providers and undertakes a number of checks to ensure that the invoice is valid and that it should be paid for by the CCG. The analysts in the CCG do not receive or see any patient confidential information relating to these invoices. This information is sourced from both NHS Digital and health and social care provider organisations and your rights and opt-outs are explained below.</p>
<p><b>Targeted healthcare intervention: risk stratification</b></p>	<p>Where we analyse population data to provide lists of patients to GPs where a person may benefit from a targeted healthcare intervention: we call this Risk Stratification. Risk Stratification is based on research that shows a person that has a recognised history and characteristics may avoid an undesirable health outcome if the signs are recognised and a particular action is taken early enough. Under section 251 of the NHS Act 2006 we work in conjunction with South Devon and Torbay CCG to perform this process, using identifiable information from GP practices and SUS. Our GP practices receive the output and the data is not allowed to be used for commissioning/analytical purposes. Your rights and opt-outs are explained below.</p>

## What are your rights?

We will respect your rights, as provided by the General Data Protection Regulation and the UK Data Protection Bill 2018, the Human Rights Act 1998 (HRA), the Health and Social Care Act 2012 (HSCA) as well as the common law duty of confidentiality. The Equality Act 2010 may also apply in some circumstances.

Your rights under Chapter 3, Articles 12-23 of the GDPR:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure (in certain circumstances)
- Right to restrict processing
- Right to data portability
- Right to object
- Rights related to automated decision making including profiling

We will also ensure that the National Data Opt-out is adhered to, and respect your wishes not to share information beyond direct care, where you have selected to exercise this right. Opt-outs are explained in detail in the section entitled 'Your right to opt out'.

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

We only use information that may identify you in accordance with the Data Protection Act 2018. 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.

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).

	<p>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.</p> <p>The CCG has an Executive Director responsible for protecting the confidentiality of patient information. This person is called the Caldicott Guardian. If you have any questions regarding the confidentiality of your information, you can contact the <a href="#">Caldicott Guardian</a>.</p> <p>The CCG is registered with the Information Commissioner's Office (ICO) as a data controller and collects data for a variety of purposes. A copy of the registration is available through the <a href="#">ICO website</a> (search by CCG name).</p>
<p><b>How long do you hold confidential information for?</b></p>	<p>All records held by the CCG will be kept for the duration specified by national guidance from the Department of Health, <a href="#">NHS Records Management Code of Practice</a>.</p>
<p><b>Withdrawing Consent</b></p>	<p>If you have previously given the CCG consent to use your identifiable data you are able to withdraw that consent at any time, please <a href="#">contact us</a></p>
<p><b>Gaining access to the data we hold about you</b></p>	<p>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 of your own personal health care records you will need to apply to your <b>GP Practice, the hospital or NHS Organisation</b> which provided your health care.</p> <p>The CCG does contain information about any individual funding requests or continuing healthcare applications you might have made and you can request to see your data. You do not need to give a reason to see your data, but you may be charged a fee. Under special circumstances, some information may be withheld.</p> <p>If you wish to have a copy of the information we hold about you, please contact <a href="#">Information Governance</a></p>
<p><b>Your right to opt out</b></p>	<p>The NHS Constitution states “You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered”.</p> <p>There are two types of opt-outs:</p> <ul style="list-style-type: none"> <li>• A type 1 opt-out prevents information being shared outside a GP Practice for purposes other than direct care</li> <li>• A type 2 opt-out prevents information being shared outside of NHS Digital for purposes beyond direct care</li> </ul>

	For more information on how to opt-out please visit <a href="#">NHS Digital: opting out of sharing your confidential patient information</a> . If you wish to exercise your right to opt-out, or to speak to somebody to understand what impact this may have, if any, please contact us at <a href="#">Information Governance</a>
<b>What is the right to know?</b>	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.
<b>What sort of information can I request?</b>	In theory, you can request any information that Northern, Eastern and Western CCG holds that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Act.
<b>How do I make a request for information?</b>	Your request must be in writing or emailed. Please contact us at <a href="#">Information Governance</a>
<b>Data Protection Officer</b>	The CCG has a Data Protection Officer who ensures the laws protecting personal data are applied and adhered to. The CCG DPO is:  Mr G Kennington Email: <a href="mailto:sdtccg.dataprotection@nhs.net">sdtccg.dataprotection@nhs.net</a>
<b>Information Commissioners Office</b>	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: <a href="mailto:casework@ico.org.uk">casework@ico.org.uk</a> Visit the <a href="#">ICO website</a> .
<b>Complaints or questions</b>	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. Please <a href="#">contact us</a> .