

## Who we are

Herts Valleys Clinical Commissioning Group (CCG) is responsible for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, mental health services, rehabilitation and community services.

## ICO Registration number

Our ICO Data Protection Register number is ZA004322

## How we use your Information

Details of information collected and used for specific purposes

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes for which we collect and process information. For each heading we have provided information for you on the purpose, including benefits to you as a patient; the type of information used (see 'Definitions'); the legal basis identified for the collection and use of information; how we collect and use the information required; data processing activities – listing any third parties we may use for each purpose; and information on how to opt out of your information being used for each purpose.

1. Complaints
2. Funding Treatments
3. Continuing Healthcare
4. Safeguarding
5. Risk Stratification
6. Patient and Public Involvement
7. National Registries
8. Research
9. Serious Incident Reports
10. Clinical audit

### 1. COMPLAINTS

#### Purpose

A complaint may relate to a service which the CCG is directly responsible for providing or it may relate to a service which we have commissioned for the patients who we are responsible for, for example hospital services. The CCG requires this information in order to manage and help to resolve complaints, and to prevent such issues arising in future.

#### Type of Information Used

Identifiable – such as name, address, NHS number, DOB

#### Legal Basis for processing

Explicit Consent GDPR/DPA 2018

- Article 6 1 (a)
- Article 9 2 (a)

## **And common law duty of confidence**

### **How We Collect and Use Information in relation to Complaints**

When the CCG receives a complaint from a person we make up a file containing the details of the complaint which will normally contain the identity of the complainant and any other individuals involved.

The CCG will only use the identifiable information we collect to process the complaint and to check the level of service we provide.

The CCG usually has to disclose the complainant's identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person's record is in dispute

The CCG will publish service user stories, following upheld complaints, anonymously via our governing body. The service user stories will provide a summary of the concern, service improvements identified and how well the complaints procedure has been applied. Consent will always be sought from the service user and carer or both before we publish the service user story.

### **Data Processing Activities**

Herts Valleys CCG undertakes this activity .

#### **Opt out details**

If you do not want information identifying you to be disclosed we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

## **2. FUNDING TREATMENTS**

### **Purpose**

To fund specific treatment for you for a particular condition that is not covered in our contracts. This may be called an 'Individual Funding Request (IFR)' which provides you with the payments required to receive specialist treatment.

### **Type of Information Used**

Identifiable – such as NHS number, DOB, Name, registered GP to make payments

Anonymous – to provide reports for analysis of payments made

### **Legal Basis**

Direct Care and Administration GDPR/DPA 2018

- **Article 6 1 (e)**
- **Article 9 2 (h)**

## **And common law duty of confidence**

### **How We Collect and Use Information in relation to Funding Treatments**

Information required to make payments in relation to Funding Treatments is provided by you, along with relevant information from primary and secondary care with regard to the referral for specialist treatment.

## **Data Processing Activities**

Herts Valleys CCG undertakes this activity in house.

### **Opt out details**

Agreement to fund and payments for specialist treatment may not be possible in the absence of identifiable information. Alternative arrangements will need to be considered.

## **3. CONTINUING HEALTHCARE**

### **Purpose**

Where you have asked us to undertake assessments for Continuing Healthcare – a package of care for those with complex medical needs. We use your information in order to be able to make the appropriate arrangements for resulting care packages.

### **Type of Information Used**

Identifiable – such as name, address, DOB, NHS number

### **Legal Basis**

Direct Care and Administration GDPR/DPA 2018

- **Article 6 1 (e)**
- **Article 9 2 (h)**

### **And common law duty of confidence**

### **How We Collect and Use Information in relation to Continuing Healthcare**

The assessment team will collect, use, share and securely store information from / with the Local Authority (Social Services) and other organisations or individuals that are either directly or indirectly involved in the assessment, decision-making process, the arranging of care, the funding and payment of care and appropriate monitoring of and audit of the safety and quality of care.

## **Data Processing Activities**

Herts Valleys CCG undertakes this activity.

### **Opt out details**

A Continuing Healthcare Assessment will not be able to be carried out if you choose not to provide identifiable information. Alternative arrangements will need to be considered.

## **4. SAFEGUARDING**

### **Purpose**

To assess and evaluate any safeguarding concerns to ensure all patients / service users are effectively protected

### **Type of Information Used**

Identifiable – such as name, address, dob, NHS number, safeguarding concern.

### **Legal Basis**

Legal requirement to use and share information relating to Safeguarding concerns with Safeguarding Boards and Multi-Agency Safeguarding Hubs where all members sign confidentiality agreements.

GDPR/DPA 2018

- Article 6 1 (e)
- Article 9 2 (b)

And **common law duty of confidence**

### **How We Collect and Use Information in relation to Safeguarding**

The CCG may receive information relating to safeguarding concerns from you directly or relatives or through notification of concerns from other Health and Social Care organisations. All Health and Social Care professionals have a legal requirement to share information with appropriate agencies where Safeguarding concerns about children or adults have been received. Where it is appropriate to do so the sharing organisations will keep you informed of when information is required to be shared, to provide you with assurance regarding the security of that sharing and the benefit to you or the person you are raising Safeguarding concerns about. Access to this information is strictly controlled and where there is a requirement to share information e.g with police or social services, all information will be transferred safely and securely ensuring that only those with a requirement to know of any concerns are appropriately informed.

### **Data Processing Activities**

HVCCG provides this activity and it is processed internally.

### **Opt out details**

We have a legal requirement to provide information where there are Safeguarding concerns due to public interest issues, e.g. to protect the safety and welfare of vulnerable children and adults.

## **5. RISK STRATIFICATION**

### **Purpose**

Risk stratification is a process for identifying and caring for patients with long term health conditions and patients who are at high risk of emergency hospital admission. NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions, such as chronic obstructive pulmonary disease (COPD) and diabetes, to help prevent hospital admissions that could have been avoided. As well as helping GP Practices to provide Direct Care support, risk stratification is used by the CCG to support planning and commissioning, for example, understanding the numbers of patients in the region who require services to support COPD will enable us to commission the right services to better manage periods of ill health and to improve the quality of the services we are able to offer you.

### **Type of Information Used**

Different types of data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from GP Practices (such as name, address, NHS number) and NHS Digital to a Risk Stratification supplier (see below, Data Processing Activities)

Aggregated – the CCG may only receive information in a format which cannot identify you.

Pseudonymised – GPs are provided with pseudonymised data for risk stratification planning purposes. However, where a direct care impact is identified on a specific patient through the process the GP will be able to re-identify the patient concerned.

## **Legal Basis**

### **Confidential information provided by GP Practices and health care providers to NHS Digital with legal mandate under directions and disseminated to commissioners as pseudonymised personal data**

GDPR/DPA 2018

- Article 6 1 (e)
- Article 9 2 (h)

## **How We Collect and Use Information in relation to Risk Stratification**

Risk stratification tools use a mix of historic information about patients such as age, gender, diagnoses and patterns of hospital attendance and admission as well as data collected in GP practices. NHS Digital provides information, identifiable by your NHS Number only, about hospital attendances. GP Practices provide information from GP records also identifiable by your NHS Number only. Both sets of information are sent via secure transfer to the risk stratification system where they are immediately pseudonymised and linked to each other. The risk stratification system uses a formula to analyse the pseudonymised data to produce a risk score. These risk scores are available to the GP practice you are registered with, where authorised staff that are responsible for providing direct care to you are able to see these scores in a format that identifies you. This will help the clinical team make better decisions about your future care, for example you may be invited in for a review or if they think you may benefit from a referral to a new service they will discuss this with you. The CCG is provided with reports containing aggregate information, which do not identify you, to ensure we are commissioning and planning for these services as required by the population we serve.

## **Data Processing Activities**

HVCCG does not utilise a risk stratification tool. West Herts GP practices carry risk stratification for their own practice population.

## **Opt out details**

Type 1 and Type 2 opt-outs apply.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Additional information is also available from the NHS England website:

<https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

## **INVOICE VALIDATION**

## **Purpose**

Where we pay for care, particularly where different providers are caring for the same person, we may ask for evidence before paying, or we may commission a service where the payment is all or partly based on the providers ensuring the service user has a healthy outcome. We need to ensure that we are paying the right amount of money for the right services to the right people.

These invoices are validated within a special secure area known as a Controlled Environment for Finance (CEfF) to ensure that the right amount of money is paid, by the right organisation, for the treatment provided.

A small amount of information that could identify an individual is used within this secure area (such as NHS number or date of birth and postcode). The process followed ensures that only the minimum amount of information about individuals is used by a very limited number of people. The process is designed to protect confidentiality.

## **Type of Information Used**

Identifiable – (name, DOB, GP, NHS number) within the Controlled Environment for Finance, for invoice validation.

Pseudonymised, anonymised or aggregated - within the CCG, for commissioning purposes such as financial planning, management and contract monitoring.

## **Legal Basis**

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables the CCG to process identifiable information without consent for the purposes of invoice validation within a Controlled Environment for Finance – CAG 7-07(a)(b)(c)/2013.

## **How We Collect and Use Information in relation to Invoice Validation**

Organisations that provide treatment submit their invoices to the CCG for payment. The secure area (Controlled Environment for Finance, within the CCG) receives additional information, including the NHS Number, or occasionally the date of birth and postcode, from the organisation that provided treatment.

Our Providers send information into our secure area, which includes the NHS number and details of the treatment received. The information is then validated ensuring that any discrepancies are investigated and resolved between the Controlled Environment for Finance and the organisation that submitted the invoices. The invoices will be paid when the validation is completed.

The CCG receives any identifiable information for purposes of Invoice Validation.

## **Data Processing Activities**

This data is processed in house by HVCCG. Only authorised staff are able to access this information.

## **Opt out details**

Type 2 opt-out applies

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Additional information is also available from the NHS England website:  
<https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/>

## **6. PATIENT AND PUBLIC INVOLVEMENT**

### **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 use information which you share with us. Where you submit your details to us for involvement purposes, we will only use your information for this purpose.

### **Type of Information Used**

Identifiable – name and address and contact details

### **Legal Basis**

Explicit Consent

- Article 6 1 (a)

### **How We Collect and Use Information in relation to Patient and Public Involvement**

We will be collecting and using your information to enable us to keep you informed of any news, consultation activities or patient participation groups.

### **Data Processing Activities**

HVCCG processes this data internally.

### **Opt out details**

You can opt out at any time by contacting us

## **COMMISSIONING**

### **Purpose**

Hospitals and community setting organisations that provide NHS-funded care must by law submit certain information to NHS Digital about services provided to you and the population we serve. This information is known as commissioning datasets. The CCG obtains these datasets from NHS Digital which relate to patients registered with our GP practices. This enables us to plan, design, purchase and pay for the best possible care available for you.

### **Type of Information Used**

Different types of commissioning data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from Primary and Secondary Care Services to NHS Digital

Aggregated – the CCG may only receive this information in aggregated format which does not identify individuals

## Legal Basis

Statutory requirement for NHS Digital to collect identifiable information.

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority, enables the use of pseudonymised information about patients included in the datasets, by the organisations who submitted the information.

There is no requirement for a legal basis for use of the aggregated information which is available to the CCG as this does not identify individuals.

## How We Collect and Use Information in relation to Commissioning

The datasets we receive from NHS Digital have been linked and are in a format that does not directly identify you. Information such as your age, ethnicity and gender as well as coded information about any clinic or accident and emergency attendances, hospital admissions and treatment will be included.

We also receive similar information from the GP Practices within our CCG membership that also does not identify you.

We use these datasets for a number of purposes such as:

- Performance managing contracts;
- Reviewing the care delivered by providers to ensure service users are receiving quality and cost effective care;
- To prepare statistics on NHS performance to understand health needs and support service re-design, modernisation and improvement;
- To help us plan future services to ensure they continue to meet our local population needs;
- To reconcile claims for payments for services received in your GP Practice;
- To audit NHS accounts and services;

## Data Processing Activities

HVCCG processes this data internally. Data for some contracts is processed by North East London Commissioning Support Unit.

## Opt out details

Type 1 and Type 2 opt-outs apply.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

The specific terms and conditions and security controls that we are obliged to follow when using those commissioning datasets can also be found on the NHS Digital website.

More information about how this data is collected and used by NHS Digital is available on their website <http://www.hscic.gov.uk/patientconf>

## 7. NATIONAL REGISTRIES

### Purpose

National Registries are used in the NHS to provide support to particular groups of patients to ensure they are receiving the care and support they require, for example, the Learning Disabilities Register. NHS Digital is responsible for the information collected and used in the Registers and will ensure your information is kept securely and confidentially.

### **Type of Information Used**

Identifiable and pseudonymised – dependent on purpose.

### **Legal Basis**

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables NHS Digital to process identifiable information without consent for the purposes of approved National Registries.

### **How We Collect and Use Information in relation to National Registries**

The GP Practices within our CCG membership provide this information to NHS Digital using a secure transfer method.

### **Data Processing Activities**

Responsibility for this function lies with NHS Digital and the CCG has no data processing involvement.

### **Opt out details**

Type 1 and Type 2 opt-outs apply.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **8. RESEARCH**

### **Purpose**

Research can provide direct benefit to patients who take part in medical trials and indirect benefits to the population as a whole.

Your information can be used to identify people to invite them to take part in clinical trials, other interventional studies or studies purely using information from medical records.

### **Type of Information Used**

Identifiable and anonymised – dependent on the purpose.

### **Legal Basis**

Where identifiable information is being used your explicit consent will be gained. Where gaining consent from all patients is not appropriate, e.g. for large-scale, nationwide projects, a Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority is required. The approval ensures that the appropriate security processes are in place to protect your information and ensure that only the minimum information is used for the purpose specified. Research activities' using anonymised information does not require your consent.

### **How We Collect and Use Information in relation to Research**

Where identifiable information is needed for research, you will be approached by the organisation where the treatment was received, to see if you wish to participate in the particular research study. You will be provided with information about the research and the way in which your identifiable information will be used and kept safe and secure before being asked to provide explicit consent to take part. Where a Section 251 approval has been granted you will be informed of the project and will be able to make a decision as to whether you wish to opt out. Information related to research projects will be kept safe and secure with access limited to authorised research team members only.

### **Data Processing Activities**

Responsibility for this function lies with the research organisations concerned and the CCG has no data processing involvement.

### **Opt out details**

Where consent is required to take part in a research project you will also be provided with details by the organisation holding your records on how to opt out at any time.

Where s251 approval has been granted you can request that your identifiable information is not included. The Register of current s251 approval across England and Wales can be found here:

The organisation holding your records will provide notices on their premises and websites about any research projects being undertaken which will provide opt out details.

Your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **9. SERIOUS INCIDENT REPORTS**

### **Purpose**

The CCG collects and uses information from Serious Incident Reports from Primary and Secondary Care Providers to ensure incidents are dealt with appropriately and lessons learnt.

### **Type of Information Used**

Identifiable – Name, NHS number, DOB, details of incident

### **Legal Basis**

Explicit consent

### **How We Collect and Use Information in relation to Serious Incident Reports**

We are statutorily required to fully investigate and review incidents. Where there is a requirement to provide incident reports externally the information will be anonymised unless there is a legal requirement to provide your details. You will be kept informed of the requirements we are required to meet and asked for consent where information is to be shared externally.

### **Data Processing Activities**

The CCG does not use external data processors for this function

## **Opt out details**

If you do not want information identifying you to be disclosed we will try to respect that. However, it may not be possible to fully investigate serious incidents on an anonymous basis. If the incident involved a breach of law or regulations there may be a legal duty to provide identifiable information. You will be fully informed of this throughout the process.

## **10. CLINICAL AUDIT**

### **Purpose**

Effective clinical audit can provide direct benefit to you as a patient and to the population the CCG serves to ensure that the services we plan and commission offer high quality and effective care.

### **Type of Information Used**

Identifiable – where clinical audit is undertaken by the GP practice with whom you are registered. The GP's and clinicians involved in your Direct Care are said to have a 'legitimate relationship' with you and any outcomes will directly improve patient health and wellbeing.

Anonymous – where clinical audit is being undertaken by GPs and health professionals with whom you do not have a 'legitimate relationship'.

### **Legal Basis**

- Article 6 1 (e)
- Article 9 2 (h)

### **How We Collect and Use Information in relation to clinical audits.**

Information required for clinical audit will be collected from your records held by the organisation where you have received treatment. Authorised healthcare professionals will review the records held ensuring that only the minimum information required for the purpose is used. Where consent is required to use identifiable information you will be contacted by the organisation that has provided your treatment.

### **Data Processing Activities**

Responsibility for this function lies with the organisations conducting clinical audit and the CCG has no data processing involvement.

## **Opt out details**

Where you have provided explicit consent to take part in a clinical audit you can opt out at any time by contacting the organisation who provided your treatment.

Your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **DATA PROCESSORS**

Below are details of our data processors and the function that they carry out on our behalf:

- North East London Commissioning Support Unit which includes Data Services for Commissioners Regional Office (DSCRO), who provide appropriate data for Secondary Use Services (SUS).

- Iron Mountain – Archiving of Records

North East London CSU are approved by NHS England as a Data Services for Commissioning Regional Office (DSCRO). They provide a secure and compliant data processing function of health and social care data sets. This type of processing is to support commissioning and planning. The output data from this process will be anonymised or pseudonymised. The CCG does not receive any personal identifiable information from this service.

These organisations are subject to the same legal rules and conditions for keeping personal confidential data secure and are underpinned by a contract with us. Before awarding any contract, we ensure that organisations will look after your information to the same high standards that we do. Those organisations can only use your information for the service we have contracted them for and cannot use it for any other purpose. Other NHS organisations can act as Data Processors with the same legal rules and conditions applying and with contracts and agreements required to be in place.

### **Contact Details**

If you have any questions or concerns regarding how we use your information, please contact us at:

#### **Post:**

#### **Herts Valleys Clinical Commissioning Group**

Hemel One  
Boundary Way  
Hemel Hempstead  
Herts HP2 &YU

**Tel:** 01442 898888

**Email:** [Enquiries.hvccg@nhs.net](mailto:Enquiries.hvccg@nhs.net)

The contact details for our Caldicott Guardian are as follows:

**Diane Curbishley** - 01442 898888

The contact details for our Data Protection Officer are as follows:

Trudi Mount – 01442 898888

E Mail address [hertsvalleysccg.dpo@nhs.net](mailto:hertsvalleysccg.dpo@nhs.net)

For independent advice about data protection, privacy and data-sharing issues, you can contact the:

#### **Information Commissioner**

Wycliffe House, Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

Phone: 08456 30 60 60 or 01625 54 57 45

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Further information**

Further information about the way in which the NHS uses personal confidential data and your rights in that respect can be found in:

- The **NHS Care Record Guarantee**:  
<http://systems.hscic.gov.uk/rasmarcards/documents/crg.pdf>
- The **NHS Constitution**: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

The **HSCIC Guide to Confidentiality** gives more information on the rules around information sharing :  
<http://webarchive.nationalarchives.gov.uk/20160729133355/http://www.hscic.gov.uk/media/12822/Guide-to-confidentiality-in-health-and-social-care/pdf/HSCIC-guide-to-confidentiality.pdf>

- An independent review of how information about service users is shared across the health and care system, led by Dame Fiona Caldicott, , latest report  
<https://www.gov.uk/government/news/national-data-guardian-2017-report-published>