

Fair Processing Notice

How We Use Your Information

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. We need to use information about you to enable us to do this effectively, efficiently and safely.

Our ICO Data Protection Register number is ZA004322.

For further information please refer to the [‘About us’](#) section of the website.

How we use your information

This Privacy Notice tells you about the information we collect and hold about you, what we do with it, how we will look after it and who we might share it with. It also explains the choices you can make about the way in which your information is used and how you can opt-out of any sharing arrangements that may be in place.

It covers information we collect directly from you or collect indirectly from other individuals or organisations for the CCG’s registered population.

We are happy to provide any additional information or explanation needed. Contact Details can be found [here](#)

This Privacy Notice applies to all information held by the CCG relating to individuals, whether you are a patient, service user or a member of staff.

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, for example understanding how health conditions spread across our local area compared against other areas.

In order to perform our commissioning functions, information may be shared between various organisations including: acute and mental health hospitals, GP practices, community services, other CCGs, commissioning support units (CSU), ambulance services, local councils (social services and public health) and voluntary sector and other health organisations.

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

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 who will advise you of how to opt out.. 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. More information is available on [NHS Digital Your personal information choices](#) and in the section 'Your right to Opt Out' below.

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

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

Data may be de-identified and linked 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 GP data with other data such as secondary uses service (SUS) data (hospital inpatient, outpatient and A&E data). In some cases there may also be a need to link local datasets which could include a range of acute-based (hospital) 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 for this purpose.

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. Currently, the external data processors we work with are listed below

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.

Reviews of and Changes to our Privacy Notice

We will keep our privacy notice under regular review. This privacy notice was last reviewed in May 2018

Types of Information we collect and hold about you

We need to use information in various forms about you and will only use the minimum amount of information necessary for the purpose. Where possible, we will use information that does not identify you. Details of Information collected and used for specific purposes can be found [here](#).

Definitions

The CCG processes several different types of information:

1. Identifiable – containing details that identify individuals. The following are data items that are considered identifiable: name, address, NHS Number, full postcode, date of birth
2. Pseudonymised information - individual-level information where individuals can be distinguished by using a coded reference, which does not reveal their 'real world' identity
3. Anonymised – about individuals but with all identifying details removed
4. Aggregated – statistical information about multiple individuals that has been combined to show general trends or values without identifying individuals within the data.

Our records may be held on paper or in a computer system.

While we have made this Privacy Notice as easy to read and understandable for you as we can there are some legal concepts / terms which will be used further in the Notice which may require further explanation. These are explained in [Further Definitions and Terms](#).

Legal obligations to collect and use information

In the circumstances where we are required to use personal identifiable information we will only do this if:

- The information is necessary for your direct healthcare, or
- We have received explicit consent from you to use your information for a specific purpose, or
 - There is an overriding public interest in using the information:
 - in order to safeguard an individual,
 - to prevent a serious crime
 - in the case of Public Health or other emergencies, to protect the health and safety of others, or
- There is a legal requirement that allows or compels us to use or provide information (e.g. a formal court order or legislation), or
- We have permission from the Secretary of State for Health to use certain confidential patient identifiable information when it is necessary for our work.

Primary and Secondary Care Data

The NHS provides a wide range of services which involve the collection and use of information. Different care settings are considered as either 'primary care' or 'secondary care'. Primary care settings include GP practices, pharmacists, dentists and some specialised services such as military health services. Secondary care settings include local hospitals, rehabilitative care, urgent and emergency care (including out of hours and NHS 111), community and mental health services.

Throughout this Privacy Notice you will see reference to an organisation called NHS Digital. They are the national provider of information, data and IT systems for commissioners (such as the CCG), analysts and clinicians in health and social care. NHS Digital provides information based on identifiable information passed securely to them by Primary and Secondary Care Providers who are legally obliged to provide this information. The way in which NHS Digital collect and use your information can be found [here](#):

Our Commitment to Data Privacy and Confidentiality Issues

We are committed to protecting your privacy and will only process personal confidential data in accordance with the [GDPR/DPA 2018](#), the Common Law Duty of Confidentiality and the Human Rights Act 1998. The various laws and rules about using and sharing confidential information, with which the CCG will comply, are available in “[A guide to confidentiality in health and social care](#)” which is published on the NHS Digital website.

Herts Valleys CCG is a Data Controller under the terms of the GDPR/DPA 2018 we are legally responsible for ensuring that whenever we collect, use, hold, obtain, record or share personal confidential data about you, we do it in compliance with GDPR/DPA 2018 Article 5 – Principles Relating to Processing of Personal Data.

All data controllers must notify the [Information Commissioner's Office \(ICO\)](#) of all personal information processing activities. Our ICO Data Protection Register number is ZA004322 and our entry can be found in the Data Protection Register on the Information Commissioner's Office website

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.

All identifiable information that we hold about you will be held securely and confidentially. We use administrative and technical controls to do this. We use strict controls to ensure that only authorised staff are able to see information that identifies you. A limited number of authorised staff have access to information that identifies you, but only where it is appropriate to their role and strictly on a need-to-know basis. All health and social care organisations are required to provide annual evidence of compliance with applicable laws, regulations and standards through the Data Security and Protection Toolkit. This shows our current level of compliance as ‘Satisfactory’ and provides assurance to you on how we protect your information. The individual requirements for which we have provided evidence for 2017-18 can be found [here](#). Further information regarding Information Governance and the Data Security and Protection Toolkit can be found in [Further Definitions and Terms](#).

All of our staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. All staff are trained to ensure they understand how to recognise and report an incident and the organisation has procedures for investigating, managing and learning lessons from any incidents that occur.

We will only retain information in accordance with the schedules set out in the [Records Management Code of Practice for Health and Social Care 2016](#). The CCG's Records Management Policies include guidance around the secure destruction of information in line with the Code of Practice.

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

Confidentiality Advice and Support

The CCG has a [Caldicott Guardian](#) who is a senior person responsible for protecting the confidentiality of service user information and enabling appropriate and lawful information-sharing. Further information about the role of the Caldicott Guardian can be found in Further Definitions and Terms.

Your Rights

You have certain legal rights, including a right to have your information processed fairly and lawfully and in a transparent manner and a right to access any identifiable information we hold about you. These are called Subject Access Requests and more information about this can be found [here](#).

You have the right to privacy and to expect the NHS to keep your information confidential and secure.

You also have a right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered.

If we do hold identifiable information about you, you can ask us to correct any mistakes by contacting us at the address below.

Herts Valleys Clinical Commissioning Group

Hemel One
Boundary Way
Hemel Hempstead
Herts. HP2 7YU

Tel: 01442 898888

You have the right to ask us to stop processing information about you where we are not required to do so by law – although we will first need to explain how this may affect the care you receive.

In some instances, you are allowed to request that your confidential information is not used beyond your own care and treatment and to have your objections considered. If your wishes cannot be followed, you will be told the reason (including the legal basis) for that decision.

If you wish to exercise your right to opt-out, or to speak to somebody to understand the impact this may have, if any, please contact us

Further details of Information collected and used for specific purposes can be found here

These are commitments set out in the NHS Constitution, for further information please visit

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

Complaints

The CCG aims to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive on this subject 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. We would also welcome any suggestions for improving our procedures. Contact details for complaints to either ourselves or the ICO can be found at the end of this notice.

Details of information collected and used for specific purposes

The following table lists key examples of the purposes and rationale for why we collect and process information. For each purpose we have provided information for you on the purpose, including benefits to you as a patient; the type of information used (see definition above); 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.

- **Complaints**
- **Funding Treatments**
- **Continuing Healthcare**
- **Safeguarding**
- **Risk Stratification**
- **Patient and Public Involvement**
- **National Registries**
- **Research**
- **Serious Incident Reports**
- **Clinical audit**

Contact Details (including Complaints)

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 7YU

Tel: 01442 898888

Email: Enquiries.hvccg@nhs.net

Concerns/Complaints

Email: hvccgpatientfeedback@nhs.net

The contact details for our Caldicott Guardian are as follows:

Diane Curbishley - 01442 898888

The contact details for our Data Protection Officer

Trudi Mount – 01442 898888

Email 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