

Fair Processing Notice – 06.11.2017

Your information - what you need to know

This notice reminds you of your rights under the Data Protection Act 1998 and tells you how NHS Great Yarmouth and Waveney Clinical Commissioning Group (CCG) processes information about you.

We only use your information for lawful purposes in order for us to administer the business of NHS Great Yarmouth and Waveney CCG effectively.

NHS Great Yarmouth and Waveney CCG is a local membership organisation led by family doctors that is responsible for planning and paying for healthcare services. We do not provide healthcare like a GP Practice or hospital. Our role is to make sure the appropriate NHS care is in place for the people of Great Yarmouth and Waveney, within the budget we have. The CCG is responsible for buying (also known as 'commissioning') health services from healthcare providers such as hospitals, GP practices, dentists and pharmacists, and suppliers who offer non-standard services for the people of Great Yarmouth and Waveney, as well as providing directly some health services directly such as Personal Health Budgets and Independent Funding Requests.

All GP practices in Great Yarmouth and Waveney are members of the CCG and our role is to make sure that appropriate care is in place for the people of Great Yarmouth and Waveney today and in the future.

As an NHS organisation, the CCG operates at a number of different levels in regards to processing of personal data.

For commissioning purposes and to help us to model and plan services to best meet your future needs, the CCG has to understand the health, social and general wellbeing issues that our population is facing today. The only way that we can achieve this is by using information that your GP, your clinician or your social worker enter into your care record as well as some information that is provided via external public sources. This information may exist on paper or in electronic format and the CCG ensures that these are kept safe and secure in an appropriate way.

NHS Great Yarmouth and Waveney CCG is constantly looking at new ways in which to support its GPs local health community this can involve using alternative care providers such as volunteers and charitable organisations. Only those who are directly involved in supporting your care will be able to access your identifiable information. The CCG ensures that any agencies or support organisations used in this way have a contract to allow them to carry out this work and ensuring they fully understand and maintain the confidentiality of your information at all times.

In carrying out some of these roles we may collect information about you which helps us respond to your queries or secure specialist services. Our CCG receives some information about you and this document outlines:

- Why we collect information about you
- How your records are used to help the NHS
- Organisations that share information with NHS Great Yarmouth and Waveney Clinical Commissioning Group
- What type of information the CCG uses?
- What safeguards are in place - The Security of Your Information
- Your Rights and Access to your information
- Complaints and Appeals
- Further Information

Why we collect information about you

In carrying out our role and responsibilities as a commissioner of services for people working and living in the CCG, it is essential that the CCG have an understanding of the health and social care needs of our community so as to ensure that these are correctly identified and made available and effective.

We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address or may also contain more sensitive information about your health and social care usage and also information such as outcomes of needs assessments.

How are my records used to help the NHS?

The people caring for you use your information (paper or electronic) to provide treatment, to check the quality of your care, to help you make good decisions about your health and to investigate complaints, claims and commissioning purposes. We sometimes use your information to:

- Check the quality of care we provide to everyone (a clinical audit)
- Protect the health of the general public
- Monitor how we spend public money
- Train healthcare workers
- Carry out research
- Help the NHS plan for the future

From time to time the CCG uses patient data to analyse the health of a population. This is required for the commissioning of health services to our local population, or to help target preventive care to certain patients.

If we use your information for these reasons, we will remove your name and other details which could identify you. If we need the information in a way that identifies you, we will ask you first.

Some activities listed below are conducted by the CCG using data or a data processor on behalf of the CCG, each activity explains what information is collected or used and for what purposes

Financial Validation

We will use limited information about individual patients when validating invoices received for healthcare provided, in most cases limited data such as the practice code is used to make such payments. In some instances, information to confirm that you are registered at a GP Practice within the CCG is needed to make such payments. To ensure the invoice is accurate and genuine. This will be performed in a secure environment and will be carried out by a limited number of authorised staff, these activities and all identifiable information will remain within a CEfF (Controlled Environment for Finance) approved by NHS England.

This is done in line with the Who Pays Invoice Validation Guidance using a section 251 exemption.

A section 251 is where The Secretary of State for Health and Social Care has approved NHS England's application for support to establish a temporary lawful basis for 'necessary' Personal Confidential Data to be used to validate invoices.

Risk Stratification

Risk Stratification is a process that helps your family doctor (GP) help you manage your health. By using selected information such as age, gender, diagnoses and patterns of hospital attendance and admission collected by the HSCIC (NHS Digital) from NHS hospitals and community care services. This is linked to data collected in GP practices and analysed to produce a risk score. A secure NHS computer system will look at recent treatments you have had in hospital or in the surgery and any existing health conditions that you have. This will help your doctor judge if you are likely to need more support and care from time to time. The team at the surgery will use this information to help you get early care and treatment where it is needed.

Risk stratification is used in the NHS to:

- Help decide if a patient is at greater risk of suffering a particular condition
- Prevent an emergency admission to hospital
- Identify if a patient needs medical help to prevent a health condition from getting worse.

The identifiable information will only be seen by qualified health workers involved in your care. NHS security systems will protect your health information and maintain confidentiality at all times.

Laws exist to prevent the unlawful processing of patient data. There is currently Section 251 support in place to allow the CCG's risk stratification tool to receive and link identifiable (using NHS Number) patient information from the HSCIC (NHS Digital) and from local GP Practices.

A section 251 is where The Secretary of State for Health and Social Care has approved NHS England's application for support to establish a temporary lawful basis for 'necessary' Personal Confidential Data to be used to carry out risk stratification.

The CCG does not hold your data in an identifiable form for risk stratification it is purely the commissioner to procure the appropriate tools to support the GPs with the process.

Our Clinical Commissioning Group commissions this work via a contract with the North East London (NHS) Commissioning Support Unit which has been granted a legal basis for processing data in this way as per the section 251 and which operates under strict controls to prevent your information from being re-identified.

Should you have any concerns about how your information is managed at the surgery or if you wish to opt out please contact the Practice Manager to discuss how the disclosure of your personal information can be limited.

Handling Continuing Healthcare (CHC) Applications

If you make an application for CHC funding the CCG will use the information you provide and where needed request further information from care providers to identify eligibility for funding. If agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers.

Personal Health Budgets

A Personal Health Budget is an amount of money to support the identified healthcare and wellbeing needs of an individual, which is planned and agreed between the individual, or their representative, and the CCG. To support this process, the CCG will process personal confidential data including sensitive data to evaluate, agree and monitor any personal health budgets

Handling Individual Funding Requests (IFR) Applications

If you make an Individual Funding Request (IFR) to fund specialist drugs or rare treatments, the CCG will use the information you provide and, where needed, request further information from care providers to identify eligibility for funding. If agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers.

Complaints

If you have a complaint about the CCG or a service that we commission, we will use your information to communicate with you and to investigate any concern that you raise with the CCG in line with its complaint policy. [Contact us](#) for further information.

Where the CCG is investigating a complaint then the information provided by the complainant (including personal details like for example name, address) may need to be shared as appropriate in order for the complaint to be investigated.

Safeguarding

Advice and guidance will be provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately.

Access to identifiable information will be shared in some limited circumstances where it is legally required for the safety of the individuals concerned.

Supporting Medicines Management

CCGs support local GP practices with prescribing queries that generally don't require identifiable information.

Where specialist support is required for example to order a drug that comes in solid form in gas or liquid, the medicines management team will order this on behalf of a GP Practice to support your care.

Patient Satisfaction

The CCG will on occasion will use information to assess the effectiveness and appropriateness of its services such as ensuring that patient journeys have been conducted or checking if you were satisfied with the service you received. You should be informed of this when you make contact with the service provider.

Conflicts of Interest and Declaration of Gifts and Hospitality

All persons who are required to make a declaration of interest(s) or a declaration of gifts or hospitality should be made aware that the register(s) will be published in advance of publication. This should be done by the provision of a fair processing notice that details the identity of the data controller, the purposes for which the registers are held and published, and contact details for the data protection officer. This information should additionally be provided to individuals identified in the registers because they are in a relationship with the person making the declaration. The register(s) of interests (including the register of gifts and hospitality) must be published as part of the CCG's Annual Report and Annual Governance Statement.

National Fraud Initiative (2016/17)

NHS Great Yarmouth and Waveney CCG is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

The Cabinet Office is responsible for carrying out data matching exercises. Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

We participate in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise, as detailed here.

The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice.

View further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

For further information on data matching at this authority [contact](#) us.

What type of information the CCG uses?

NHS Great Yarmouth and Waveney Clinical Commissioning Group can hold various different types of information and you may hear many different terms used the following are those that the CCG uses:

- Identifiable information – containing details that identify individuals. We may use personal information about you such as your name and address or other times we use more sensitive information about your health.
- The CCG only has access to identifiable information where a legal basis exists to hold that information. These are outlined in the How your information is used by the CCG section of this document.
- Person confidential data – information which on its own or with other information can identify you. Personal Confidential Data - This is a term used in the Caldicott Information Governance Review and describes personal information about identified or identifiable individuals, which should be kept private or secret and includes dead as well as living people.
- Anonymised information – about individuals but with identifying details removed and so cannot be tracked back to you. Where unique identifiers such as your name and full address have been removed so the information is no longer 'person identifiable' This information is used to plan health care services. Specifically, it is used to:
 - Check the quality and efficiency of the health services that the CCG commissions
 - Prepare performance reports on the services commissioned
 - Establish what illnesses people will have in the future, so the CCG 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
- Pseudonymised data – where personal information about you is replaced with a code. Which allows the CCG to map your treatment through the health care system but only allows the provider / organisations providing treatment to identify you. This can also be shared with third parties who without the key would not be able to identify you. This is often used for example, when information is needed for research purposes.
- Aggregated information – anonymised information grouped together so that it cannot easily be put back together in order to identify individuals.
- Primary care data involves data from primary care covering dental practices, community pharmacies and high street optometrists. The CCG does not received this in an identifiable form it is received from the Health & Social Care Information Centre in an aggregated or pseudonymised form unless consent has been provided for a specific purpose.
- Secondary care data – is a record of data collected in hospitals, community acute and mental health, every NHS hospital in England and Wales for

inpatients and day cases. The CCG sees as summary of this activity in a pseudonymised form the data containing individual patient details such as age, sex, dates of admission and discharge, diagnoses, treatments and operations, and postcode.

- Where possible, we ensure your information is anonymised / aggregated or pseudonymised (especially when using information for purposes other than for direct patient care).

Organisations that share information with NHS Great Yarmouth and Waveney CCG

In order for NHS Great Yarmouth and Waveney CCG to perform its commissioning functions, information is shared from various organisations, which include: general practice, acute and mental health hospitals, other CCGs, the North East London Commissioning Support Unit who process data on our behalf, community services, walk in centres, nursing homes, directly from service users and many others.

Information may also need to be shared for your benefit with other non-NHS organisations, from which you are also receiving care, such as social services and other providers from which we commission services. Where information sharing is required with third parties, we will not disclose any health information without your explicit consent unless there are exceptional circumstances such as when the health and safety of others is at risk, where the law required it or to carry out a statutory function.

Where information sharing is required with third parties, we will always have a relevant data sharing agreement in place. We would not share any detailed health information without your explicit consent unless there are exceptional circumstances.

In those exceptional circumstances we do not require your explicit consent to share information. This would be in cases for example, notification of new births, a public interest issue, when the health and safety of others is at risk, fraud, protecting children and vulnerable adults from harm or where the law requires it (a formal court order has been served requiring us to do so).

In these cases, permission to share must be given by our Caldicott Guardian, who is the senior person in the CCG responsible for ensuring the protection of confidential patient and service user information. We are obliged to tell you that we have shared your information unless doing so would put you or others at risk of harm.

The law provides some NHS bodies, particularly the Health and Social Care Information Centre (NHS Digital), with permission to collect and use patient data to help commissioners to design and procure the combination of services that best suit the population that they serve. The patient data that is supplied is not in a form that will identify you.

Linking Data

Your NHS number, GP practice and treatment details are kept so that your information from each service can be linked together securely within either an ASH or DSCRO in a controlled environment. This gives us a fuller picture of the health of people and the services required to support them to stay healthy we use this

information to provide and improve health services. This data also enables us to target patients who may benefit from additional preventative care.

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 picture. This may involve linking primary care GP data with other data such as secondary uses service (SUS) data (inpatient, outpatient and A&E). 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 routinely have any access to patient identifiable data.

What safeguards are in place – The Security of your Information

It is everyone's legal right to expect that information held and used about you is safe and secure, and is only used for the agreed purpose(s).

The CCG only uses information that may identify you in accordance with the Data Protection Act 1998. This requires that we process personal data only if there is a legitimate basis for doing so and that any such processing is fair and lawful.

Confidentiality and security of information

Everyone working for the NHS has a legal duty to keep information about you confidential and comply with the Common Law Duty of Confidence. The information we do hold about you, whether in paper or electronic form, is therefore protected from unauthorised access. Under the NHS Confidentiality Code of Conduct, all our staff are also 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 receive annual training on how to do this. This is monitored by the CCG and can be enforced through disciplinary procedures.

The CCG, working with our service provider, North East London Commissioning Services Unit (NELCSU), ensure that information is held in secure locations with restricted access to authorised persons only. We protect any personal information that is held on our systems with encryption so that it cannot be accessed by those who do not have access rights.

Information held about you, whether on paper or computerised, is protected from unauthorised access. NHS Great Yarmouth and Waveney CCG has an IT Security and Information Governance policy.

Consent for sharing information

We will not publish any information that identifies you or routinely disclose any information about you without your express permission.

NHS Great Yarmouth and Waveney CCG has a duty to protect all information. If you have any concerns about where this information is published, or feel you will be put at risk by the disclosure of this information, please [contact us](#).

There may be circumstances where we are bound to share information about you owing to a legal obligation, such as telling authorities about the birth of a child, a public interest issue, when the health and safety of others is at risk, fraud, protecting children and vulnerable adults from harm or where the law requires it (a formal court order has been served requiring us to do so).

In these cases, permission to share must be given by our Caldicott Guardian, who is the senior person in the CCG responsible for ensuring the protection of confidential patient and service user information. We are obliged to tell you that we have shared your information unless doing so would put you or others at risk of harm.

The law provides some NHS bodies, particularly the Health and Social Care Information Centre (NHS Digital), with permission to collect and use patient data to help commissioners to design and procure the combination of services that best suit the population that they serve. The patient data that is supplied is not in a form that will identify you.

Anyone who receives information from us is also under a legal duty to keep this information confidential.

Your rights and access to your information

Registration

The CCG is registered with the Information Commissioners Office (ICO) as a data controller to collect information (data) for a variety of purposes. A copy of the registration is available through the ICO website link to ICO register of data controllers (search by CCG name).

Retention and destruction of records

All records held by the CCG will be kept for the duration specified by National guidance from the Department of Health, NHS Records Management Code of Practice and in line with local CCG Information Governance Policies.

The NHS Care Record Guarantee is a commitment that all NHS organisations (and other organisations which provide NHS-funded care) will use your records in ways that respect your rights and promote your health and wellbeing. The NHS Constitution establishes the principles and values of the NHS in England. It provides a summary of your legal rights and contains pledges that the NHS is committed to achieve, including certain rights and pledges concerning your privacy and confidentiality.

Your Right of Access to Your Information

Under the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) you have the general right to see or be given a copy of personal data held about you. This right can be exercised via submission of a Subject Access Request (SAR) to NHS Great Yarmouth and Waveney CCG.

The CCG does not directly provide healthcare services and as such does not hold personal healthcare records. If you wish to have sight of, or obtain copies of your own personal healthcare records you will need to apply to your GP Practice, the

hospital or the NHS organisation which provided your healthcare. However the CCG will hold information in relation to the provision of Continuing Healthcare, the management of a complaint and/or the outcome of an Individual Funding Request (IFR).

Everyone has the right to see, or receive a copy of information held that can identify them, with some exceptions. You do not need to give a reason to see your information.

Further information on Subject Access Requests can be found via the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/personal-information/>

Any requests made will be jointly managed by both the CCG and NHS North East London Commissioning Support Unit staff unless you specifically state in your request that you do not wish this to happen. You do not need to give a reason.

We will not charge for complying with your request unless it is deemed to be “manifestly unfounded or excessive”. In these circumstances we will work with you to moderate your request to avoid a charge or give you reasonable notice of the potential cost before we proceed with your request.

If you have made your request in an electronic form (i.e. via email) and wish to receive the response in the same format, we will take all reasonable measures to comply with your request. Where we cannot provide information in the format of your choosing, we will notify you before proceeding with the request.

We will endeavour to respond to your request within one calendar month. However this may be extended to 40 calendar days if the request is particularly complex.

Under the current Data Protection Legislation, we reserve the right as data controller to withhold personal data if disclosing it would “adversely affect the rights and freedoms of any third party referred to in information held about you”. We will of course advise you of our rationale for withholding any information, whilst observing the right of confidentiality of the third party.

Objections

Your right to opt-out of information sharing

The CCG will not publish any information that identifies you or routinely disclose any information about you without your express permission.

You have the right to consent / refuse / withdraw consent to information sharing at any moment in time. There are possible consequences to not sharing but these will be fully explained to you to help you with making your decision.

There are currently two types of opt-out that you can make, which will be replaced by the National Opt-Out Programme in 2018. The two choices available to you are:

- You can object to information about you leaving a GP Practice in an identifiable form for purposes beyond your direct care, which means confidential information about you will not be shared with the CCG, the Health

and Social Care Information Centre (NHS Digital) or other organisation for any non-direct care purpose. This is referred to as a 'type 1' objection.

- You can object to information about (from any health & social care setting) leaving the HSCIC in an identifiable form, for the purposes beyond your direct care. This is referred to as a 'type 2' objection.

Information from other places where you receive care, such as hospitals and community services is collected nationally by the Health and Social Care Information Centre. (NHS Digital)

If you do not want information that identifies you to be shared outside your GP practice and/or with the HSCIC, please speak to a member of staff at your GP practice to ask how to “opt- out”.

The Practice will add the appropriate code to your records to prevent your confidential information from being used for non-direct care purposes. Please note that these codes can be overridden in special circumstances required by law, such as a civil emergency or public health emergency.

In both cases, it is still necessary for the HSCIC to hold information about you in order to ensure data is managed in accordance with your expressed wishes. Please see Patient Objections Management on the HSCIC website for further information.

If you have questions about this, please speak to staff at your GP practice.

Complaints/Appeals

If you believe NHS Great Yarmouth and Waveney CCG has not complied with the Act, either in responding to a request or in the way we process your personal information, and if you are not satisfied with the response from the CCG Corporate Governance Manager, you should contact the CCG's Senior Information Risk Owner (SIRO).

You always have the right to complain to, appeal to or raise your concerns with the Information Commissioner by writing to:

Information Commissioner Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Enquiry Line: 01625 545700
www.ico.gov.uk

Further Information:

This notice does not give a full explanation of the law. If it doesn't answer your questions or you would like more detailed information, contact in the first instance the CCG Corporate Governance Manager or the Office of the Information Commissioner.

Should you wish to know more about any information that is held about you as a patient, please contact your local health care provider.

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the CCG Corporate Governance Manager or the Office of the Information Commissioner.

Should you wish to know more about any information that is held about you as a patient, please contact your local health care provider.

Key Roles in the CCG

The CCG have a number of key roles which support the protection of your data:

- **Caldicott Guardian** - The CCGs Caldicott Guardian is a senior person responsible for protecting the confidentiality of patient and service-user information and enabling appropriate information sharing. The Guardian actively supports work to enable information sharing where it is appropriate to share, and advises on options for lawful and ethical processing of information. The Caldicott Guardian can be contacted by using the contact us section of the website.
- **Senior Information Risk Owner (SIRO)** – A SIRO is a CCG Executive Director or member of the Senior Management Board of an organisation with overall responsibility for an organisation's information risk policy. The SIRO is accountable and responsible for information risk across the organisation. The SIRO ensures that everyone is aware of their personal responsibility to exercise good judgement, and to safeguard and share information appropriately. The SIRO can be contacted by contact us section of the website.

Further information can also be obtained from the following links:

- [Data Protection Act 1998](#)
- [General Data Protection Regulations](#)
- [NHS Confidentiality Code of Practice](#)
- [HSCIC \(NHS Digital\) Guide to confidentiality in health and social care](#)
- [Information Commissioners Office](#)
- [Health Research Authority](#)
- [NHS England](#)
- [NHS Constitution](#)