

## **Your Information – How it is Used**

**NHS Great Yarmouth & Waveney**

**Beccles House**

**Common Lane North**

**Beccles**

**Suffolk**

**NR34 9BN**

Our CCG holds some information about you. This document outlines how that information is used, who we may share that information with and how we keep it secure.

### **What we do**

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 for these services, which includes responding to any concerns from our patients on services offered.

### **How we use your information**

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.

### **What kind of information we use?**

We use the following types of information/data:

- Identifiable - containing details that identify individuals (NHS number, Postcode or Date of Birth)
- Pseudonymised - where personal information about you (such as name or NHS number) 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

- Anonymised - about individuals but with identifying details removed, 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.
  - Work out 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.
- aggregated - anonymised information grouped together so that it doesn't identify individuals

### **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](#)
- Where Providers are required to request authorisation from the CCG before treatment as detailed in CCG's Clinical Threshold Policy.

- 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, for which the CCG is considered to be an “accredited safe haven”.

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 e.g. in order to safeguard an individual, or to prevent a serious crime
- There is a legal requirement that will allow us to use or provide information (e.g. a formal court order).

The legal basis for using personal information comes under S251 legislation details of which can be found on the [Health Research Authority](#) website.

### **Do you share my 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.

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.

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. There are two types of objections and more information on these is available on [NHS Digital Your personal information choices](#).

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

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

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.

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 (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. and ambulance journeys. 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.

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;

- North East of England Commissioning Support Unit (NECS) DSCRO (Data Services for Commissioners Regional Offices)
- North East London Commissioning Support Unit (NEL)

## **Paying Invoices**

The validation of invoices is undertaken within a Controlled Environment for Finance within NHS Great Yarmouth & Waveney CCG. Invoice validation is undertaken to ensure that the CCG is paying for treatments relating to its patients only. The dedicated team receives patient level information direct from the hospital providers and can use the NHS number, postcode and date of birth to identify the patients registered GP Practice from the Summary Care Record. Only where the patient is the responsibility of NHS Great Yarmouth and Waveney will the invoice be approved for payment.

## **Targeted Healthcare Intervention & Risk Stratification**

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.

Risk stratification tools use historic information about patients, 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.

There is currently [Section 251 support](#) in place to which allows CCG's to use risk stratification tool's to receive and link identifiable (using NHS Number) patient information from the HSCIC (NHS Digital) and from local GP Practices. In the future, NHS Great Yarmouth & Waveney CCG may obtain authority to undertake risk stratification.

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, allow an organisation to become an Accredited Safe Haven (ASH) and carry out risk stratification. Further information can be obtained from the [Health Research Authority](#)

Risk Stratification for commissioning provides CCG's with anonymised or aggregated data which is used to understand the health needs of the local population in order to plan and commission the right services.

Risk stratification for case-finding is used by GPs to help them to identify and support patients with long-term conditions and to help prevent un-planned hospital admissions or reduce the risk of certain diseases developing such as type 2 diabetes.

GPs are able to identify individual patients from the risk stratified data and when it is necessary discuss outcomes and consider preventative care. Where the risk stratification process has linked GP data to health data obtained from other sources

i.e. from another health care provider, the GP will ask for your permission to access the details of that information.

### **What are your rights?**

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

- View this or request copies of the records by making a **subject access request**.
- Request information is corrected
- Have the information updated where it is no longer accurate
- Ask us to stop processing information about you where we are not required to do so by law – although we will first need to explain how this may affect the care you receive

### **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 1998. The Data Protection Act requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

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

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

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

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

The CCG has an Executive Director responsible for protecting the confidentiality of patient information. This person is called the Caldicott Guardian. The Caldicott Guardian for NHS Great Yarmouth & Waveney is Cath Byford, Director of Commissioning and Quality, Chief Nurse / Deputy Chief Executive, Director of Infection Prevention and Control. [cath.byford@nhs.net](mailto:cath.byford@nhs.net)

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 [ICO website](#) (search by CCG name).

### **How long do you hold confidential information for?**

All records held by the CCG will be kept for the duration and destroyed in accordance with the specified by national guidance from NHS Digital, [NHS Digital Records management code of practice](#)

### **Gaining access to the data we hold about you**

Under the Data Protection Act 1998 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 & 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.

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, but you may be charged a fee.

Further information on **Subject Access Requests** can be found via the Information Commissioners Office (ICO): [How to Request Personal Information](#)

In accordance with legislation a £10.00 access fee will be chargeable for tracing and retrieving electronic and manual records; subsequent extra charges may be made for copying non-computer held records - up to a maximum of £50.

If you wish to access personal information we hold about you please [contact us](#) for details of how to make such requests

### **Your right to opt out**

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, such as when the health and safety of

others is at risk, where the law required it or to carry out a statutory function, you will be told the reasons (including the legal basis) for that decision.

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. More information is available via [NHS Digital patient objection management webpages](#).

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.

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](#).

There are currently two types of opt-out that you can make. There are two choices available to you:

- 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”**.

### **What is the right to know?**

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector.

### **What sort of information can I request?**

In theory, you can request any information that NHS Great Yarmouth & Waveney CCG holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Act.

### **How do I make a request for information?**

Your request must be in writing and can be either posted or emailed to NHS Great Yarmouth & Waveney CCG. The service is managed by the team at NEL CSU. More information about making a request for information can be [found here](#).

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

Information Commissioner's Office

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

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

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

[Visit the ICO website.](#)

### **Complaints or questions**

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

**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.**

See our [complaints section](#) for more 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**

Further information can also be obtained from the following links:

[Data Protection Act 1998](#)

[Care Record Guarantee](#)

[NHS Confidentiality Code of Practice](#)

[Information Governance Alliance FAQs](#)

There is another type of health record holding information about you called a [Summary Care Record \(SCR\)](#), this holds information about you that may be needed in an emergency. This may be any allergies you suffer from, any bad reactions to medication or any prescribed drugs you are taking. If you needed urgent care, your doctor's records may not be available so SCR will help paramedics, doctors or nurses find out life-saving information about you.

This new electronic record is held securely by the NHS and only available to staff in an emergency. Only those who are registered with a doctor or over the age of 15 will have this record.

You can choose not to have a SCR created about you. To opt out [download and complete an opt out form](#) and return it to your GP practice.

For more information go to the [NHS Care Records](#) website.