

Privacy Notice - How We Use Your Information

This privacy notice tells you what to expect, when and how we at Richmond CCG collect and handle personal information.

This notice is to inform you of the type of information that we, as your clinical commissioning group (CCG), holds, how that information is used, who we may share that information with, and how we keep it secure and confidential.

What we do

We are responsible for planning, buying and monitoring (also known as commissioning) health services from healthcare providers, such as hospitals and GP practices, for our local population to ensure the highest quality of healthcare. We also have a performance monitoring role of these services, which includes responding to any concerns from our patients on services offered.

How we keep your information confidential and safe

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, except in certain circumstances such as where there is an obligation by law, for the purposes of safeguarding, or if there is an overriding public interest.

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information, tell you of how your information will be used, and allow you to decide if and how your information can be shared.

CCG oversight

We have assigned a Caldicott Guardian and Senior Information Risk Owner who have oversight of the handling of information within our CCG as well as support organisations that we may buy services from. The Caldicott Guardian has the role of overseeing and making decisions on information sharing. The Senior Information Risk Owner is accountable for information risk. Both roles are supported by the Information Governance Steering Group (IGSG) which meets regularly to discuss issues related to information governance. The group is formed of senior representatives from each team within our CCG and is chaired by the Senior Information Risk Owner.

If you wish to contact the Caldicott Guardian please contact the Information Governance Team c/o:

NEL CSU
1 Lower Marsh
London SE1 7NT

Email: SECSU.InformationGovernance@nhs.net

Definition of data types

This section provides definitions for key terms which are used throughout the text below to describe different data types.

Anonymised data, which is data about you but from which you cannot be personally identified

De-identified data with pseudonym identifier, which is data about you but we are able to track you through the patient pathway without using your personal information, and you cannot be personally identified.

De-identified data with weak pseudonym identifier such as the NHS number. We use this to link two or more types of datasets together using your NHS number. For example, using your NHS number to link and analyse datasets such as acute data with community data to see the full picture of your patient pathway. No other personal information is used during this process and you will not be personally identified. However, there may be times whereby you may be re-identified in the event of patient safety requirements, or re-identified for direct care purposes where we pass on information to your GP to treat you

Anonymised in Context data (for commissioning purposes), which is de-identified data about you but from which you cannot be personally identified within a commissioning (CCG) environment. Like the above, we replace the NHS number with a locally generated pseudonym like hospital number;

Personal data, information from which you can be personally identified, for example name, address, postcode, date of birth

Sensitive personal data, information about your physical and mental health from which you can be identified

What are Primary Care Data and Secondary Care Data?

As many people's first point of contact with the NHS, around 90 per cent of patient interaction is with primary care services. In addition to GP practices, primary care covers dental practices, community pharmacies and high street optometrists. Primary Care Data relates to information which has been sourced from these types of services.

Secondary Care covers treatment and care of a specialised medical service by Clinicians, for example, specialist doctors and nurses, within a health facility or hospital on referral by a primary care clinician (e.g. your GP). Secondary Care data relates to information which have been sourced from these types of services.

What do we use your information for?

Improving, planning and managing care services – population data

The lawful basis to use this information has been allowed by s251 NHS Act 2006 and is processed by NEL CSU or other approved providers only. For further information please visit <http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/>

We use the above types of 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; and
- review the care being provided to make sure it is of the highest standard.

Care providers, such as general practices, acute and mental health hospitals, community services, walk in centres and nursing homes, sometimes share information with each other to facilitate your direct care.

The law provides some NHS bodies, particularly NHS Digital, ways of collecting sensitive personal data directly from care providers for secondary purposes, such as evaluating care provided at population level.

Data may be linked by these special bodies so that it can be used to improve health care and development, and monitor NHS performance. 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 and audiology, as well as mental health and community-based services such as IAPT, district nursing and podiatry.

The dataset collected from secondary care providers, for example hospitals, by NHS Digital is referred to the Secondary Uses Service (SUS) is the single, comprehensive repository for healthcare data in England which enables a range of reporting and analyses to support the NHS in the delivery of healthcare services. When a patient or service user is treated or cared for, information is collected which supports their treatment. For further information, please visit NHS Digital's website:

<http://digital.nhs.uk/sus>

The following are the types of organisations NHS Digital receives data from, and then forwards on to our data processor in an anonymised format or a de-identified format with NHS Number in order to link and analyse the data.

Where data is used for these statistical purposes, stringent measures are taken to ensure individuals cannot be identified.

Types of organisations and types of information we receive:

- Acute Trusts – Hospitals, for example Kingston Hospital NHS Foundation Trust. We receive anonymised acute data such as A&E attendances,

waiting times, diagnosis, treatments, and follow ups, length of stay, discharge information and next steps.

- Community trusts or community organisations, for example Hounslow & Richmond Community Healthcare Trust. We receive anonymised community data such as outpatient information, waiting times, diagnosis and treatments, referrals and next steps, domiciliary and district nursing (which includes home visits) and community rehabilitation units.
- Mental Health Trusts or Mental Health organisations, for example South West London and St George's Mental Health Trust. We receive anonymised mental health data such as rehabilitation and outpatient attendances, waiting times, diagnosis, treatment, length of stay, discharge, referrals and next steps.
- Primary Care organisations, for example your local GP practice. We receive anonymised primary care data such as attendances, diagnosis, treatment, GP or GP practice visits, referrals, medication/prescriptions information and follow-ups.

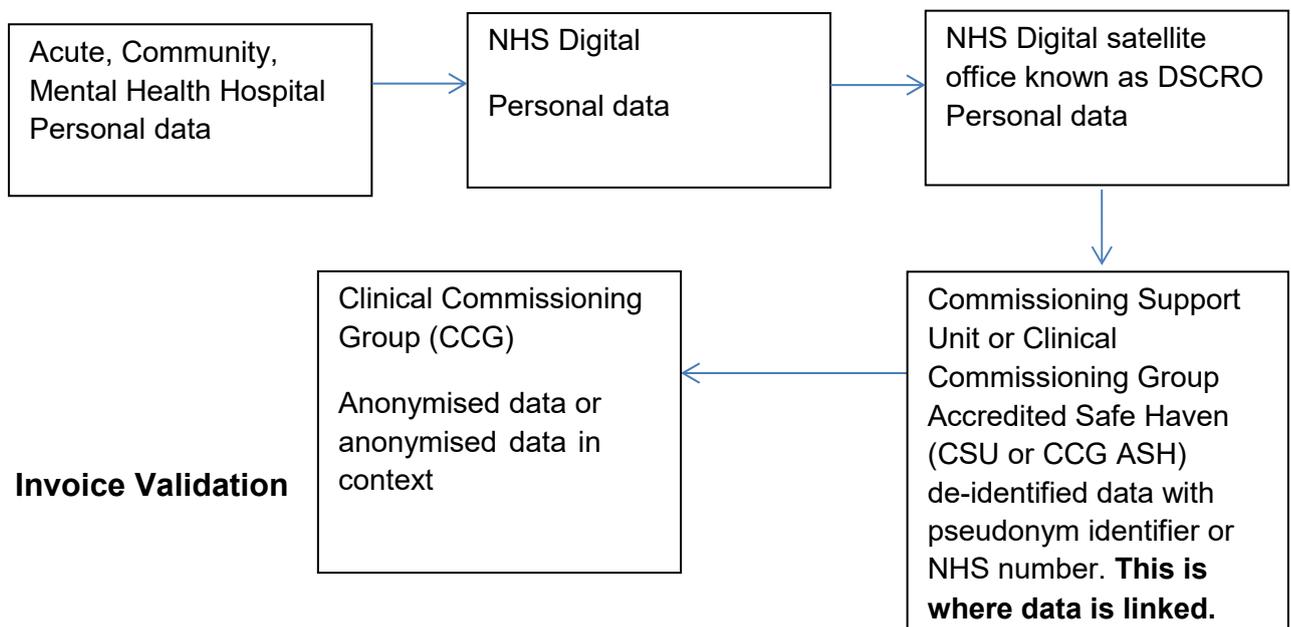
We may also contract with other organisations to process this data. We ensure external data processors that support us are legally and contractually bound to operate this process. They must be able to prove security arrangements are in place where data that could or does identify a person is processed.

Currently, the external data processors we work with include (amongst others):

- NEL CSU

Our CCG is not an Accredited Safe Haven, therefore in the diagram below Richmond CCG is one of the CCGs in the final box, receiving the data from the identified data processor - NEL CSU, located in the box before the final one.

This is how all the above processing works:



While we do not use a data flow from NHS digital for this purpose, the CCG feels it is important that you are aware this processing takes place and the process used to verify that, when necessary, we are paying for your care correctly.

There may be times where one healthcare organisation will need to invoice another for treatment given to a patient. This can occur, for example, when you need hospital treatment while away from home on holiday. The hospital at which you were seen may need to invoice us for the treatment you received.

Before paying the invoice, we will need to be sure that we are responsible for your treatment costs and not another CCG, as well as checking to ensure that the amount you are being billed for is correct. This process is known as invoice validation. For invoice validation to occur, a limited amount of information about you needs to be shared between us and the hospital where you received treatment. The following table outlines type of information we may share and justification for use of this information.

Richmond CCG uses the services of a health partner, NEL CSU to process this data on our behalf to enable the appropriate payment to be processed. NEL CSU does not use any information from NHS Digital for this process, the information is provided directly from where you received the treatment. Once the invoice has been paid, the limited information about you is deleted, as it is no longer required. If the information is needed again, to respond to a question, it will be requested, the question answered and the information deleted again.

Information Type	Example	Purpose	Justification
Invoice Number	Not PCD	Identifies the relevant invoice and allows associated with backing data	To enable backing data to be matched with the relevant invoice
NHS Number	NHS Number	The unique identifier for the patient	Needed to determine if the individual is the responsibility of the CCG
Unique Patient Event identifier	Hospital Provider Spell Number/AE or OP Attendance identifier unique within Provider for the patient event	To ensure the same episode of care isn't paid for by the commissioner more than once. For example, a patient may have several attendances of treatment on the same day.	To distinguish between multiple events carried out for a particular patient on the same day.
Unique Patient Identifier	Local Patient Identifier, GP Practice identifier	To ensure any issue or payment is attributed to the same patient	To identify the individual to the healthcare provider. Particularly as NHS Number is not always known by the provider.

Risk stratification

Your GP uses your data to provide the best care they can for you. As part of this process, your GP will use your personal and health data to undertake risk stratification, also known as case finding.

Risk stratification involves applying computer based algorithms, or calculations, to identify those patients registered with the GP Surgery who are most at risk from

certain medical conditions and who will benefit from clinical care to help prevent or better treat their condition.

To identify those patients individually from the patient community registered with your GP would be a lengthy and time-consuming process, which would by its nature potentially not identify individuals quickly and increase the time to improve care.

Your GP Surgery uses the services of a health partner, NEL CSU to identify those most in need of preventative or improved care. This contract is arranged by us.

Richmond CCG and NEL CSU act on behalf of your GP to organise this service with appropriate contractual and security measures only.

NEL CSU will automatically process your personal and confidential data without any staff being able to view the data. Typically they will process your data using indicators such as your age, gender, NHS number and codes for your medical health to identify those who will benefit from clinical intervention.

Processing takes place automatically and without human or manual handling. Data is extracted from your GP computer system, automatically processed, and only your GP is able to view the outcome, matching results against patients on their system.

We have implemented strict security controls to protect your confidentiality and recommend this as a secure and beneficial service to you. If you wish, you can ask your GP for your data not to be processed for this purpose and your GP will mark your record as not to be extracted so it is not sent to NEL CSU for risk stratification purposes.

The lawful basis to use this information for risk stratification has been allowed by s251 NHS Act 2006 and is processed by NEL CSU or other approved providers only.

For further information on Risk Stratification, please visit

<https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/> and <http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/>

Handling continuing healthcare (CHC) applications

If you make an application for Continuing Healthcare (CHC) funding, Richmond 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. This process is nationally defined and we follow a standard process and Richmond CCG uses standard information collection tools when assessing eligibility for CHC applications.

Handling individual funding requests (IFR) applications

If you make an Individual Funding Request (IFR) to fund treatment not routinely commissioned Richmond 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.

Supporting medicines optimisation

CCGs support local GP practices with prescribing queries which generally don't require personal data. Where specialist support is required (eg to order a drug that

comes in solid form, in gas or liquid) Richmond CCG's medicines optimisation team will order this on behalf of a GP to support your care.

Supporting medicines management

Richmond CCG pharmacists work with the GP practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. This is done with practice agreement. No personal data is removed from the practice and no changes are made to patient's records without permission from the GP. Patient records may be viewed from the CCG's premises and via secure laptops in care homes or patient homes.

Safeguarding

Advice and guidance is provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately. Access to and sharing of personal data will be required in some limited circumstances where it's legally required for the safety of the individuals concerned.

Post infection reviews

Clinical Commissioning Groups collaborate closely with the organisations involved in providing patient care, to jointly identify and agree the possible causes of, or factors that contributed to, a patient's infection.

CCGs will lead the Post Infection Review in the circumstances set out in the Post Infection Review Guidance, issued by NHS England. They will be able to use the results of the Post Infection Review to inform the mandatory healthcare associated infections reporting system.

Incident management

Richmond CCG is accountable for effective governance and learning following all Serious Incidents (SIs) and work closely with all provider organisations as well as commissioning staff members to ensure all SIs are reported and managed appropriately. The Francis Report (February 2013) emphasised that commissioners should have a primary responsibility for ensuring quality, as well as providers.

Managing conflicts of interest

We manage conflicts of interest as part of our day-to-day activities. Effective handling of conflicts of interest is crucial to give confidence to patients, tax payers, healthcare providers and parliament that CCG commissioning decisions are robust, fair, transparent and offer value for money. It is essential in order to protect healthcare professionals and maintain public trust in the NHS. Failure to manage conflicts of interest could lead to legal challenge and even criminal action in the event of fraud, bribery and corruption.

Section 14O of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) ("the Act") sets out the minimum requirements of what both NHS England and CCGs must do in terms of managing conflicts of interest.

Any persons who are included in the declaration of interest registers can contact the Data Protection Officer for the CCG at steve.broderick@swlondon.nhs.uk or via:

NEL CSU
3rd Floor, 1 Lower Marsh,
London
SE1 7NT

You can email: nelcsu.Information-Governance@nhs.net

Patient right to object to processing/opt-out

There are choices you can make about how your information is used, and you can choose to opt out of your information being shared or used for any purpose beyond providing your care. Please note that not choosing to share your information may have an impact on your care and by sharing your information will improve NHS services and the experience of treatment and care for our patients.

If you do not want your information to be used for any purpose 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.

There are some circumstances where you cannot object to your information being shared. This would be in the event that there was a safeguarding issue or where the organisation was required by law to share your information.

There are two types of opt-out. You can withdraw either opt-out at any time by informing your GP practice.

Type 1 opt-outs

If you do not want information that identifies you to be shared outside your GP practice, for purposes beyond your direct care, you can register a type 1 opt-out with your GP practice. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease

Type 2 opt-outs

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a type 2 opt-out with your GP practice.

If you have consented to your personal data being used, you also have the right to withdraw this consent at any time and you do not need to provide a reason to withdraw your consent. In this scenario the possible consequences of withdrawing consent will be explained to you. A possible consequence may be that you are unable to receive a specific service as a result of withdrawing consent. If you wish to opt out or withdraw your consent from the CCG processing your data, please contact the patient advice and liaison service (PALS):

Email: Leigh.Broggi@swlondon.nhs.uk
Telephone: 020 3941 9911

How long we will keep your information and how we will destroy information

There are different retention schedules for different types of information and types of record. In the NHS, all commissioners and providers apply retention schedules in accordance with the Information Governance Alliance's Records Management Code of Practice for Health and Social Care. For more information, you can access the document here: <http://systems.digital.nhs.uk/infogov/iga/rmcop16718.pdf>. The retention schedules start on page 53.

When destroying data we ensure that we, or third parties we contract to destroy data on our behalf, meet guidelines set out within principle 7 of the Data Protection Act 1998, the European Standard EN 15713 for paper copies and CESG standards (www.cesg.gov.uk) for secure destructions of electronic data.

Employee information

We collect information about individuals who work for us for the following purposes:

- the administration of prospective, current and past employees including self-employed, contract personnel, temporary staff or voluntary workers
- the recruitment and selection process
- administration of non-CCG staff contracted to provide services on our behalf
- planning and management of our workload or business activity
- occupational health service
- administration of agents or other intermediaries
- pensions administration
- payment administration
- disciplinary matters, staff disputes, employment tribunals
- staff training and development
- ensuring staff are appropriately supported in their roles
- vetting checks
- assessing our performance against equality objectives as set out by the Equality Act 2010

Members of staff can apply for a copy of the records we hold about them by following the same processes outlined above in 'Accessing your information held by NHS Richmond CCG'

Relevant links to associated documents or organisations

If you would like to find out more information on the wider health and care system approach to using personal information or other useful information, please click on the following links:

NHS Constitution:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480482/NHS_Constitution_WEB.pdf

NHS Care Record Guarantee:

<http://systems.digital.nhs.uk/rasmartcards/strategy/nhscrg>

NHS Digital's Guide to Confidentiality:

<http://systems.digital.nhs.uk/infogov/confidentiality>

Information Commissioner's Office: <https://ico.org.uk/>

Health Research Authority: <http://www.hra.nhs.uk/>

Health Research Authority Confidentiality Advisory Group (CAG):

<http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/>

For more information about care records and how to access them see NHS Choices <http://www.nhs.uk/NHSEngland/thenhs/records/healthrecords/Pages/overview.aspx>.

For details about how public bodies must make information available, see the model publication scheme published by the Information Commissioner's Office.

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/publication-scheme/>

Accessing your information held by NHS Richmond CCG

Under the Data Protection Act 1998 you have the right to see or be given a copy of personal data held about you. To gain access to your information you will need to make a Subject Access Request (SAR) to NHS Richmond CCG.

We may charge a reasonable fee for the administration of the request, set down in law as follows:

- If the information is only held electronically we may charge up to £10 for complying
- If the information is only held wholly or partly in paper format we may charge up to £50 for complying.

If you wish to make a SAR please contact the Information Governance Team c/o:

NEL CSU
1 Lower Marsh
London SE1 7NT

Email: nelcsu.Information-Governance@nhs.net

Note: In order to deal with a SAR, Richmond CCG will need to share information with NEL CSU).

Freedom of information requests (FOI)

The Freedom of Information Act (2000) gives every Individual the right to request information held by Government Agencies. Private Companies are not subject to this act. Please note that a Freedom of Information Request is not the same as a Subject Access Request.

For postal requests, please send to the Freedom of Information Team at:

Freedom of Information Manager
C/O NEL SU
1 Lower Marsh
London SE1 7NT

You can also email your request to: nelcsu.foi@nhs.net

Your request for information must be made in writing and you are entitled to a response within 20 working days.

Decommissioning of services

The CCG will retain legal responsibility for the information held about you until it is formally dissolved or until agreements are put in place to transfer responsibility.

Complaints

If you have a comment, compliment or complaint about how your information has been used in Richmond then please contact the complaints team:

Email:

leigh.broggi@swlondon.nhs.uk

Telephone: 020 3941 9911

Records of complaints will not be kept within your clinical file and will be handled in line with the NHS Records Management Code of Practice.

If you are not happy with our responses about your use of information and data and have exhausted all the avenues in the CCG Complaints Process and wish to take your complaint to an independent body, you can do this by contacting the Information Commissioner's Office in writing to the following address:

Wycliffe House
Water Lane
WILMSLOW
Cheshire SK9 5AF

You can also telephone their helpline on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. Or email: casework@ico.org.uk