

## **Fair Processing / Privacy Notice – How we use your information**

### **1. What is a Fair Processing or Privacy Notice?**

- 1.1. The purpose of this notice / leaflet is to inform you of how Standish Medical Practice uses information including personal confidential data, pseudonymised data and anonymised data. We will inform you how the different types of information are used, who we may share that information with and how we keep it secure and confidential.
- 1.2. Personal confidential data (PCD) is a term which was introduced in July 2013 from the Caldicott Information Governance Review and describes personal information such as name, date of birth, address, NHS Number and sensitive information such as health information about individuals, which must be kept private or secret and includes dead people's information as well as living people.
- 1.3. The review interpreted 'personal' as including the Data Protection Act definition of personal data, but included data relating to the deceased as well as living people, and 'confidential' includes both information 'given in confidence' and 'that which is owed a duty of confidence' and is adapted to include 'sensitive' as defined in the Data Protection Act.
- 1.4. Pseudonymised data or pseudonymisation is a technical process that replaces identifiable information such as a NHS number, postcode, date of birth with a unique identifier, which obscures the 'real world' identity of the individual patient to those working with the data. It is used to preserve the patient's privacy and data confidentiality.
- 1.5. Anonymised data or anonymisation means that we cannot identify any individuals from information as a process has been put in place to remove all identifiers.
- 1.6. Standish Medical Practice has a duty to ensure this is kept confidential, secure and used appropriately.

### **2. Who are we and what do we do?**

- 2.1. Clinical Commissioning Groups (CCG's) were created following the Health and Social Care Act in 2012 and replaced Primary Care Trusts on 1<sup>st</sup> April 2013. NHS Wigan Borough CCG is therefore a commissioning organisation, our purpose is not to provide care and so we do not routinely hold or receive information about patients in a format from which they can be identified. Wigan Borough CCG is responsible for buying (also known as commissioning) health services from healthcare providers such as Hospitals and GP Practices, for our local population. Our role includes the following:
  - Ensuring contracts are in place with local health service providers
  - Ensuring routine and emergency NHS services are available to patients
  - Ensuring commissioned services provide high quality and value for money
  - Paying for services for the care and treatment they have provided

- Performance monitoring of commissioned services
- Responding to any concerns / complaints from our patients regarding the health and care services they receive and / or referring them to NHS England as appropriate

2.2 For more information about NHS Wigan Borough CCG, please visit our website at the link below:

[www.wiganboroughccg.nhs.uk/](http://www.wiganboroughccg.nhs.uk/)

2.3 Accurate, timely and relevant information is essential for our work to help us to design and plan current and future health and care services, evidence and review our decisions and manage budgets. The CCG are committed to protecting your rights to confidentiality.

### **3. Why we collect information about you?**

3.1. We are very careful when we need to use information about you to support the functions that we perform as a CCG. The types of information we use are explained below:

#### **Secondary Uses Service**

3.2 We use information collected by hospitals, community services and NHS Digital. The type of information we use is called Secondary Uses Services data (SUS data). SUS data gives us information about the services we commission. It does not include your name or home address but may include information such as your ethnicity and gender. It also contains coded information about hospital attendances and treatment.

3.3 We use the SUS data for a number of purposes:

- To understand the health needs of the population
- To plan, redesign and improve services
- To ensure providers are using resources effectively
- To pay services for the care they provide
- To audit NHS accounts and services

3.4 In order to ensure that the NHS continues to function lawfully and efficiently, the Secretary of State for Health has given permission for CCGs to use certain personal information from SUS without consent, but only when it is absolutely necessary for certain specified purposes. This approval is given upon the strict advice of the Health Research Authority's Confidentiality and Advisory Group (CAG) under conditions set out in section 251 of the NHS Act 2006. The specific terms and conditions that we are obliged to follow when using SUS data can be found on the NHS Digital website (<http://digital.nhs.uk/>).

#### **Section 251 of the NHS Act 2006**

3.5. The Secretary of State for Health gives limited permission for the CCG (and other NHS commissioners) to use certain confidential patient information when it is necessary for our work purposes other than direct care as explained below for

example information from NHS Digital for commissioning, Risk Stratification and Invoice Validation.

- 3.6. This approval is given under Regulations made under Section 251 of the NHS Act 2006 and is based on the approval of the Health Research Authority's Confidentiality and Advisory Group.
- 3.7. This allows the Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes. Section 251 came about because it was recognised that there were essential activities of the NHS, and important medical research, that required the use of identifiable patient information but, because patient consent had not been obtained to use people's personal and confidential information for these other purposes, there was no secure basis in law for these uses.
- 3.8. Section 251 was established to enable the common law duty of confidentiality to be overridden to enable disclosure of confidential patient information for medical purposes, where it was not possible to use anonymised information and where seeking consent was not practical, having regard to the cost and technology available.
- 3.9. To find out more about Section 251 and the work of the Health Research Authority (HAR), please visit:  
<http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/#sthash.JL1s6ACl.dpuf>

### **NHS Digital**

- 3.10. We use information collected by NHS Digital from healthcare providers such as hospitals, community services and GPs, which includes information about the patients who have received care and treatment from the services that we fund.
- 3.11. The data we receive does not include patients' names or home addresses, but it may include information such as your NHS number, postcode, date of birth, ethnicity and gender as well as coded information about your visits to clinics, Emergency Department, hospital admissions and other NHS services.
- 3.12. In order to use this data, we have to meet strict conditions that we are legally required to follow, this includes making a written commitment to NHS Digital that we will not use information in any way that would reveal your identity. These terms and conditions can be found on the NHS Digital website.
- 3.13. If you do not want your personal 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.
- 3.14. For more information about NHS Digital please visit:  
<http://digital.nhs.uk/dataflowstransitionmanual>

### **Risk Stratification (Pro-Active Care Management)**

- 3.15. Risk stratification is a process GPs use 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. This is called risk stratification for case-finding.
- 3.16. The CCG also uses risk stratified data to understand the health needs of the local population in order to plan and commission the right services. This is called risk stratification for commissioning. The CCG does not have access to your personal data. The information is de-identified / pseudonymised.
- 3.17. NHS England encourages CCG's and GP's to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions. Knowledge of the risk profile of our population will help the CCG to commission appropriate preventive services and to promote quality improvement in collaboration with GP practices.
- 3.18. Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission (secondary care data). The CCG will use anonymised information to understand the local population needs, whereas GP's will be able to identify which of their patients are at risk in order to offer a preventative service to them.
- 3.19. We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality. The use of personal data by GP's and pseudonymised data by CCG's to undertake risk stratification activities has been approved by the Confidentiality Advisory Group of the Health Research Authority.
- 3.20. Pseudonymisation is a technical process that replaces identifiable information such as a NHS number, postcode, date of birth with a unique identifier, which obscures the 'real world' identity of the individual patient to those working with the data. It is used to preserve the patient's privacy and data confidentiality.
- 3.21. It allows records for the same patient from different sources to be linked to create a complete longitudinal record of that patient's condition, history and care. We use a system called the OpenPseudonymiser provided by Nottingham University to do this in the Wigan Borough.
- 3.22. Linkage of data from different health and social care data sources is undertaken enabling the processing of data and provision of appropriate analytical support for GPs and CCGs whilst protecting the privacy and confidentiality of the patient(s).
- 3.23. Technical and organisational measures are in place to ensure the security and protection of information. Robust access controls are in place to ensure only GPs are able to re-identify information about their individual patients with their consent when it is necessary for the provision of their care.

### **Data Services for Commissioners Regional Office (DSCRO)**

- 3.24. NHS Digital's responsibilities as set out in the Health and Social Care Act 2015 include the collection, analysis and presentation of national health and social care data. The Act also gave NHS Digital the powers to act as a safe haven and collect, hold and process personal confidential data (PCD) for purposes beyond direct patient care.
- 3.25. Commissioners of healthcare services need to plan and commission healthcare services in their local area through analysis of actual and projected use of services across all parts of the care economy. This modelling requires access to information about care provided to patients, their hospital stays and patient journeys but without accessing personal confidential patient data. In general, commissioners do not provide direct patient care, and therefore they have no legal basis on which to access personal confidential patient information.
- 3.26. Therefore commissioners require an intermediary service that specialises in processing, analysing and packaging patient information into a format they can legally use this is completed by Data Services for Commissioners Regional Offices (DSCROs). All the data CCG's receive will be pseudonymised and / or anonymised.
- 3.27. DSCROs work with data from NHS Hospital Trusts and GP's in the regional processing centres. Staff follow strict rules on accessing, analysing and processing data. The powers granted to the organisation by the Health and Social Care Act 2015 which means that staff are operating within the approved legal framework.
- 3.28. The service allows clinical commissioning groups (CCGs), local authority public health teams and specialised commissioners to plan and commission those healthcare services in their local area and nationally using the services provided through the DSCROs.

### **Invoice Validation**

- 3.29. The CCG does not use identifiable information for the purposes of Invoice Validation.
- 3.30. In the circumstances where contracts are in place to support the provision and delivery of care, unique references are established as part of the referral and placing process (for example Continuing Healthcare) which then allows the provider to invoice the CCG without the use of identifiable information, whilst ensuring the CCG is still able to monitor provider delivery and care provision.

### **Personal Confidential Data**

- 3.31. As a commissioning organisation, we do not routinely process medical records or patient confidential data. There are some specific areas, however, because of our assigned responsibilities, where we do hold and use personal confidential data. In order to process that information we have met a legal requirement and have complied with the following:
- The information is necessary for direct healthcare for patients.
  - We have received consent from individuals to be able to use their

- 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 or fraud or to report infectious diseases.
- There is a legal requirement that will allow us to use or provide information (e.g. a formal court order).

3.32. The areas where we process personal confidential data are:

- Individual funding requests – a process where patients and their GPs can request special treatments not routinely funded by the NHS. This is carried out by Greater Manchester Shared Service Effective Use of Resources Team on behalf of the CCG.
- Assessments for continuing healthcare assessments (a package of care for those with complex medical needs)
- Responding to your queries, concerns or complaints
- Assessment and evaluation of safeguarding concerns for individuals
- Medicines Management Services
- If you are a member of our patient participation group, or have asked us to keep you up to date about our work and involved in our engagement and public consultations.
- As part of the Wigan Borough Integrated Care Partners “SharetoCare” programme with consent. For further information regarding this, please see the link below:

<http://www.wigansharetocare.nhs.uk>

3.33. For information that can identify you (known as personal confidential data) we only use in accordance with the:

- Data Protection Act 1998 - This Data Protection Act requires us to have a legal basis if we wish to process any personal information.
- NHS Care Record Guarantee – sets out high level commitments for protecting and safeguarding your information, particularly in regard to your rights to access your information, how information will be shared, how decisions on sharing information will be made and investigating and managing inappropriate access (audit trails).
- NHS Constitution for England – this states that you have the right to privacy and confidentiality and to expect the NHS to keep your confidential information safe and secure.

3.34. We also have to honour any duty of confidence attached to information and apply Common Law Duty of Confidentiality requirements. This will mean where a legal basis does not exist to use your personal or confidential information we will not do so.

3.35. We keep your information in written form and / or on a computer securely and confidentially.

3.36. 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.

**4. Data Processors**

4.1. The CCG will use the services of the additional data processors, who will provide additional expertise to support the work of the CCG who are as follows:

<b>Data Processors</b>	<b>Sharing Pseudonymised data with other CCGs for collaborative working</b>
<p><b>Data Processor 1</b> NHS Arden and Greater East Midlands (GEM) Commissioning Support Unit (CSU) St John’s House, East Street, Leicester, LE1 1NB</p> <p><b>Data Processor 2</b> NHS Oldham CCG hosting: Greater Manchester Shared Services Ellen House, Waddington Street, Oldham, OL9 6EE for IT Services / Effective Use of Resources</p> <p><b>Data Processor 3</b> Salford Royal NHS Foundation Trust hosting: Advancing Quality Alliance (AQuA), 3rd Floor, Gate House, Cross St, Sale, M33 7FT</p> <p><b>Data Processor 4</b> Salford Royal NHS Foundation Trust hosting: Academic Health Sciences Network (Utilisation Management Team) Salford Royal NHS Foundation Trust Data Centre, Stott Lane, Salford, M6 8HD</p> <p><b>Data Processor 5</b> Shred IT (Disposal of Confidential Waste) Unit 1, Foresters Green, Trafford Park, Manchester, M17 1EJ, UK</p> <p><b>Data Processor 6</b> Dell / HP / Lenovo (computer hardware support)</p>	<p>Not applicable</p>

**5. Sharing and Disclosing Information**

5.1. We contract with other organisations to provide a range of services to us as detailed in the table above.

5.2. In these instances, we ensure that our partner agencies have contracts / information sharing agreements which outline that your information is processed under strict conditions and in line with the law.

5.3. We share anonymised information with other NHS and social care partner agencies



for the purpose of improving local services, research, audit and public health. We do not share personal confidential data about you unless:

- You have asked us to and given us permission (consent)
- We are lawfully required to report certain information to the appropriate authorities, for example, for the prevention and / or detection of a serious crime / fraud
- To protect /safeguard children and vulnerable adults
- When a formal court order has been served upon us
- To protect the health and safety of others, for example, to report an infectious disease like meningitis

5.4. In the event that we are obligated to release information as described above, this will be only be undertaken with the approval of the Caldicott Guardian.

### **5.5. Third Party Processors**

In order to deliver the best possible service, the practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. In addition the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties includes:

- Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
- Delivery services (for example if we were to arrange for delivery of any medicines to you).
- Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

Further details regarding specific third party processors can be supplied on request.

## **6. Keeping information secure and confidential**

6.1. All staff have contractual obligations of confidentiality, enforceable through disciplinary procedures. All staff will receive appropriate training on confidentiality of information and staff (who because of their role) have regular access to personal information will have received additional specialist training.

6.2. We take relevant organisational and technical measures to ensure the information we hold is secure – such as holding information in secure locations, restricting access to information to authorised personnel, protecting personal and confidential information held on equipment such as laptops with encryption.



## 7. Records Retention

7.1 The CCG will approach the management of its business records in line with the [Records Management NHS Code of Practice for Health and Social Care 2016](#) which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice. To read the Code of Practice, please click on the link below:

[http://systems.digital.nhs.uk/infogov/iga/resources/rmcop/index\\_html](http://systems.digital.nhs.uk/infogov/iga/resources/rmcop/index_html)

7.2 The CCG's records shall not be retained indefinitely and at the end of the retention period, records shall be disposed securely.

## 8. Your right to withdraw consent for us processing your personal information

8.1. At any time, you have the right to refuse / withdraw consent from the CCG processing your information unless there is a law that enables us to do this such as safeguarding, a court order or it is in the public interest and therefore confidentiality is overridden in such cases.. The possible consequences of this will be fully explained to you and this could include delays in receiving care and / or treatment.

8.2. If you wish to withdraw consent from the CCG processing your information, please contact the relevant team via the contact details as detailed in the "Contacts" section of the leaflet.

### Are there any implications of withdrawing consent for care?

8.3. You are able to opt out of having your data shared with health and care professionals at any time. However, to provide the best possible care and treatment healthcare professionals need access to the most up to date information about you. This information can be from a range of services including hospital and your GP. Therefore sharing information securely between these services will allow the people that are supporting you to make better decisions and to work with you more effectively. We want to make sure that your care is as joined-up as possible, giving you the best possible outcome.

### Opting Out of Data being shared beyond care purposes

8.4. The NHS Constitution states "You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered".

8.5. There are several forms of opt- outs available at different levels. These include for example:

#### A. Information directly collected by the CCG:

8.6. Your choices can be exercised by withdrawing your consent for the sharing of information that identifies you, unless there is an overriding legal obligation as detailed above.

**B. Information not directly collected by the CCG, but collected by organisations that provide NHS services.****Type 1 opt-out**

- 8.7. If you do not want personal confidential data 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.
- 8.8. Patients are only able to register the opt-out at their GP practice.
- 8.9. Records for patients who have registered a type 1 opt-out will be identified using a particular code that will be applied to your medical records that will stop your records from being shared outside of your GP Practice.

**Type 2 opt-out**

- 8.10. NHS Digital collects information from a range of places where people receive care, such as hospitals and community services.
- 8.11. To support those NHS constitutional rights, patients within England are able to opt out of their personal confidential data being shared by NHS Digital for purposes other than their own direct care, this is known as the 'Type 2 opt-out'
- 8.12. 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.
- 8.13. For further information and support relating to opt-outs, please contact NHS Digital at:
- Email: [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) referencing 'Type 2 opt-outs - Data requests' in the subject line
  - Telephone: 0300 303 5678
  - Via the website: <http://digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

**9. How can you get access to information held about you at the CCG (Subject Access Requests)?**

- 9.1. The Data Protection Act 1998 gives you the right to request to view or have a copy of your records held by the CCG. You do not need to give a reason, but you may be charged a fee.
- 9.2. Also the NHS Care Record Guarantee states that you can be provided audit trail information regarding those staff who have access your record.

9.3. If you want to request access to your information held by the CCG and / or request audit trail information, you need to make a written request to:

NHS Wigan Borough CCG – Governance Team Wigan  
Life Centre  
College Ave Wigan  
WN1 1NJ  
Email: [governance.team@wiganboroughccg.nhs.uk](mailto:governance.team@wiganboroughccg.nhs.uk)

9.4. As noted above, the CCG holds limited health information about you where it can use this for direct care purposes, some you may also have to contact the NHS organisation(s) where you are being, or have been treated.

9.5. You should also be aware that in certain circumstances, your right to see some details in your health records may be limited in your own interest or for other reasons.

## **10. Data Protection Register / ICO Notification**

10.1. The CCG is a Data Controller. This means that they exercise overall control over the purpose for which, and the manner in which, personal data are processed. For example, they may process personal information themselves or ask a data processor to do this for them on their behalf. Under the terms of the Data Protection Act 1998, data controllers are legally responsible for ensuring that all personal information we process is in compliance with the law. All data controllers must notify the Information Commissioners Office (ICO), who is the UK's independent body set up to uphold information rights, of all personal information processing activities.

10.2. Wigan Borough CCG have dutifully notified and our ICO Notification number is ZA003719. You can access this notification via the ICO website at [www.ico.org.uk](http://www.ico.org.uk).

## **11. Confidentiality Advice and Support**

11.1. The CCG has a Caldicott Guardian who is a senior person responsible for protecting the confidentiality of patient information and enabling appropriate and lawful information sharing. The Caldicott Guardian is supported by an Information Governance Team.

11.2. The Caldicott Guardian for NHS Wigan Borough CCG is Sally Forshaw, Associate Director of Quality and Safety. You can contact her via the contact details in section 11.

## **12. Contacts**

12.1. If you have any questions or concerns regarding the information we hold on you or the use of your information or you wish to contact the Caldicott Guardian, please contact us at:

NHS Wigan Borough CCG – Governance Team  
Wigan Life Centre  
College Ave  
Wigan  
WN1 1NJ  
Email: [governance.team@wiganboroughccg.nhs.uk](mailto:governance.team@wiganboroughccg.nhs.uk)

(Please note this email account is accessed by a number of personnel therefore consider the information provided when contacting and please state whom the email is addressed to for example, the Caldicott Guardian)

- 12.2. For independent advice about data protection, privacy and data-sharing issues, you can contact the Information Commissioners Office (ICO):

Information Commissioner Office (ICO) Wycliffe  
House  
Water Lane  
Wilmslow  
Cheshire SK9  
5AF  
[www.ico.org.uk](http://www.ico.org.uk)

### 13. Useful Resources and Information

- NHS Wigan Borough CCG Contact Us link - <http://www.wiganboroughccg.nhs.uk/contact-us>
- Information Commissioner's Office - <https://ico.org.uk/>
- Health Research Authority - <http://www.hra.nhs.uk/>
- NHS Digital – Guide to Confidentiality in Health and Social Care - <http://digital.nhs.uk/media/12822/Guide-to-confidentiality-in-health-and-social-care/pdf/HSCIC-guide-to-confidentiality.pdf>
- Information Governance Alliance - <http://systems.digital.nhs.uk/infogov/iga>
- NHS Care Record Guarantee - <http://systems.digital.nhs.uk/rasmartcards/documents/crg.pdf>
- The NHS Constitution - <https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england>
- Records Management Code of Practice for Health and Social Care 2016 - <http://systems.digital.nhs.uk/infogov/iga/rmcop16718.pdf>