

Fair Processing Notice

29th January 2019

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Your information - what you need to know (Article 13 and 14)

This notice reminds you of your rights under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) and tells you how NHS Norwich 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 Norwich CCG effectively.

NHS Norwich 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 Norwich, 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 Norwich, as well as providing directly some health services directly such as Personal Health Budgets and Independent Funding Requests.

All GP practices in Norwich are members of the CCG and our role is to make sure that appropriate care is in place for the people of Norwich 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 Norwich 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 Norwich 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

What type of information does the CCG use?

NHS Norwich 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.
- **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 deceased as well as living individuals.
- **Special Category Data (aka sensitive data)** – is personal data that is more sensitive and therefore warrants a more protection.

In order to process the above types of information we must have a legal basis to do so, such as:

- You have given your explicit consent for the processing
- We have identified a legal basis under **Article 6** of the GDPR to process your personal confidential data, such as:
 - The processing is necessary for a contract you have with the CCG (such as a contract of employment) (Article 6(1)(b))
 - We have a legal obligation to process your information (Article 6(1)(c))
 - The processing is necessary to protect your vital interest (i.e. prevention of harm or life threatening event)(Article 6(1)(d))
 - The processing is required to enable the CCG to perform a task in the public interest or to conduct its official function (Article 6(1)(e))
- We have identified an additional legal basis under **Article 9** of the GDPR to process your special category data, such as:
 - The processing is necessary to enable the CCG to carry out its obligations as an employer (Article 9(2)(b))
 - The processing is necessary to protect the vital interests of an individual who is physically or legally unable to give consent (Article 9(2)(c))
 - The processing relates to data that is already in the public domain (Article 9(2)(e))
 - The processing is necessary for the purposes of establishing, exercising or defending a legal claim (Article 9(2)(f))
 - The processing is necessary for the reasons of substantial public interest (Article 9(2)(g))
 - The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional (Article 9(2)(h))
 - OR
 - The processing is necessary to protect the public's health such as protecting against cross-border health threats and pandemics (Article 9(2)(i))

However as a clinical commissioning group we predominantly use the following categories of data to inform our commissioning activities, or for purposes other than the provision of direct patient care:

- **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.

Information Processing Activities carried out by Norwich CCG

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 NHS Arden GEM 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 special category / sensitive data to evaluate, agree and monitor any personal health budgets.

Individual Patient Pathways (IPP)

The CCG is responsible for funding and sourcing appropriate provision of care in relation to neuro-rehabilitation, community and inpatient support for individuals with learning disabilities and mental health needs. These are known as Individual Patient Pathways as they are commissioned on an individual patient basis, as opposed to the CCGs approach to commissioning for its entire local population. To support this process, the CCG will need to process personal confidential data relevant to your care needs. This will be done with the knowledge of the patient and or their carer/next of kin.

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.

Assuring Transformation for People with a Learning Disability, Autism or Both

The CCG collects information about people with a learning disability, autism or both who are getting care in hospitals for their mental health or because they have displayed behaviour that can be challenging. This is called **Assuring Transformation Data**. This information tells us:

- How many people with a learning disability and/or autism registered with a Norwich GP Practice are in hospital
- How long they have been in hospital
- When their care and treatment has been checked
- What kind of hospital they are in

We do this so that we can make sure people are not in hospital if they would be better looked after in the community.

Every month Norwich CCG securely submits this information to NHS Digital who publish a report on a monthly basis. No personal information is included in this report.

If you are in hospital but do not want the CCG to use your data for the above purpose, you can let us know by contacting Norwich CCG either in writing, via email or by telephone. An “Assuring Transformation Easy Read Leaflet” is available from the CCG which explains the process in more detail. This can be obtained from our website or by contacting Norwich CCG.

Management of 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. 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.

The CCG uses NHS South Norfolk CCG to administer the complaint process as per the information in our complaints section.

Recruitment

When an individual applies to work for NHS Norwich CCG, we will use the information they supply to us to process their application and to monitor the recruitment statistics. Where we want to disclose information to a third party, for example to take up a reference or obtain a “disclosure” from the Disclosure and Barring Service, consent is obtained during the application process, unless the disclosure is required by law.

NHS Norwich CCG uses the NHS Jobs recruitment platform to process its applications. Any information submitted by an applicant in relation to a vacancy within the organisation is provided with the candidate’s consent with a view to potentially entering into a contract of employment.

The information provided by applicants is held securely on the NHS Jobs platform in accordance with current Data Protection legislation, the EU Data Protection Directive 95/46/EC, GDPR (Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR), the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable laws and regulations relating to Processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.

Further information on how your information is handled by NHS Jobs can be found [here](#).

Profiling for Recruitment Purposes - The information provided by applicants on the NHS Jobs platform will be subject to “profiling”, which means an automated processing of personal data (including qualifications, employment history and professional registrations) based on a scoring matrix to generate an anonymised short list of candidates who have qualified to move to the interview stage.

Personal information about unsuccessful candidates will be held for 12 months after the recruitment process has been completed. It will then be securely destroyed using our confidential waste facilities or deleted from our network. We only retain anonymised statistical information about applicants to help inform our recruitment activities.

Once an individual has taken up employment with us, we will compile a file relating to their employment. The information contained in this will be kept secure and will only be used for the purposes directly related to the individual's employment. Once their employment has ended, we will retain the file in accordance with the Records Management Code of Practice for Health and Social Care.

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.

Serious Incident Management

Norwich CCG, in its capacity as lead commissioner, is accountable for effective governance and learning following all Serious Incidents (SIs) that occur within Norfolk and Waveney. As such we work closely with all provider organisations as well as neighbouring CCGs to ensure all SIs are reported and managed appropriately. The Francis Report (February 2013) emphasised that commissioners, as well as providers had a responsibility for ensuring the quality of health services provided.

Arden GEM CSU has been commissioned by Norwich CCG to support the investigation, management and reporting of all SIs.

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 aware that the register(s) will be published on the CCG's website. This information may also be provided to individuals identified in the registers because they are in a relationship with the person making the declaration. An annual summary of the register(s) of interests (including the register of gifts and hospitality) are published as part of the CCG's Annual Report and Annual Governance Statement.

National Fraud Initiative (2018/19)

NHS Norwich 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 under its data matching powers set out in Part 6 of the Local Authority and Audit Act 2014 as part of the National Fraud Initiative (NFI).

Under this legislation the Cabinet Officer:

- May carry out data matching exercises for the purposes of assisting in the prevention of and detection of fraud;
- May require certain bodies to provide data for data matching exercises;
- May accept data submissions on a voluntary basis;
- Must prescribe a scale or scales of fees for mandatory data matching exercises;
- May charge a fee for voluntary data matching exercises; and
- Must consult mandatory participants and relevant stakeholders before prescribing the mandatory scale or scales of fees

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.

To enable the NFI to continue its success, the Cabinet Office has recently procured a new IT contract awarded to Synectics Solutions Limited to deliver and enhance the NFI service over the next four years.

Norwich CCG participates in the Cabinet Office's National Fraud Initiative 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 Cabinet Office has published a privacy notice in respect of the National Fraud Initiative below:

[National Fraud Initiative Privacy Notice - 2018/19](#)

The use of data by the Cabinet Office does not require the consent of the individuals concerned under the Data Protection Act 2018.

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

For further information on the Cabinet Office's legal powers and the reasons why it matches particular information, please refer to: www.gov.uk/government/collections/national-fraud-initiative

For further information on data matching at this authority contact:
Data Protection Officer
Email address: norwich.ccg@nhs.net

Organisations that share information with NHS Norwich CCG

In order for NHS Norwich CCG to perform its commissioning functions, information is shared from various organisations, which include: general practice, acute and mental health hospitals, other CCGs, NHS Arden GEM 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. This data is used by commissioners for the purposes of risk stratification, commissioning of services, research, invoice validation, healthcare planning and development of healthcare policy.

Organisations which process information on behalf of Norwich CCG

In order to monopolise on the availability of resources and provide a consistent approach to the management of certain commissioning functions across Norfolk and Waveney, the CCG has developed some centralised services, which will process person identifiable information on behalf of Norwich CCG:

Management of Complaints: **NHS South Norfolk CCG** has been commissioned to coordinate the management of all complaints and enquiries received from Norwich CCG, North Norfolk CCG, South Norfolk CCG and West Norfolk CCG. All person identifiable information is processed subject to receipt of explicit consent from the complainant.

Management of Continuing Healthcare (CHC), IPP and Personal Health Budgets (PHB): The **Norfolk Continuing Care Partnership (NCCP)** is a centralised business unit which was created to management all CHC, IPP and PHB cases on behalf of Norwich CCG, North Norfolk CCG, South Norfolk CCG and West Norfolk CCG. Again NCCP will only process person identifiable information on legal basis of explicit consent from the patient or their Power of Attorney.

Management of Individual Funding Request: Norwich CCG utilises the support of **Arden GEM Commissioning Support Services (AGEM CSU)** to coordinate all applications for individual funding, raised via a GP Practice. Again processing is carried out subject to explicit consent from the applicant, which is obtained by the patient's GP Practice.

Recruitment: Norwich CCG utilises the support of **AGEM CSU's HR Team** to coordinate all of its recruitment activity. This includes managing the NHS Jobs portal, coordinating the transfer or applications to the CCG for interviews and the subsequent recruitment process for successful candidates. By submitting an application to Norwich CCG via the NHS Jobs website you are agreeing for your information to be processed by AGEM CSU on behalf of the CCG.

Processing of Secondary Use Services (SUS) data for Commissioners: Norwich CCG utilises the support of **AGEM CSU' Business Intelligence Team** to process patient identifiable information which is obtained by the providers of services at the point of care. The data is subsequently processed by NHS Digital and shared with CCGs under a Data Sharing Agreement (DSA) for the purposes of:

- Healthcare planning
- Commissioning of services
- Development of national policy
- Research
- Funding healthcare services

The identifiable data is restricted to NHS Numbers and processed under:

- **Article 6(1)(e)** - The processing is required to enable the CCG to perform a task in the public interest or to conduct its official function; and
- **Article 9(2)(h)** - The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional

The common law duty of confidentiality in respect of SUS data is addressed under Section 251 of the NHS Act 2006.

Further information is contained within this Fair Processing Notice.

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 Accredited Safe Haven (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 2018. 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, Arden GEM Commissioning Services Unit (AGEM CSU), 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 Norwich CCG has an IT Security and Information Governance policy.
www.norwichccg.nhs.uk

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 Norwich 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 NHS Norwich CCG at norwich.ccg@nhs.net or write to the Governance and Contract Manager, NHS Norwich CCG, City Hall, St Peter's Street, Norwich NR2 1NH.

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).

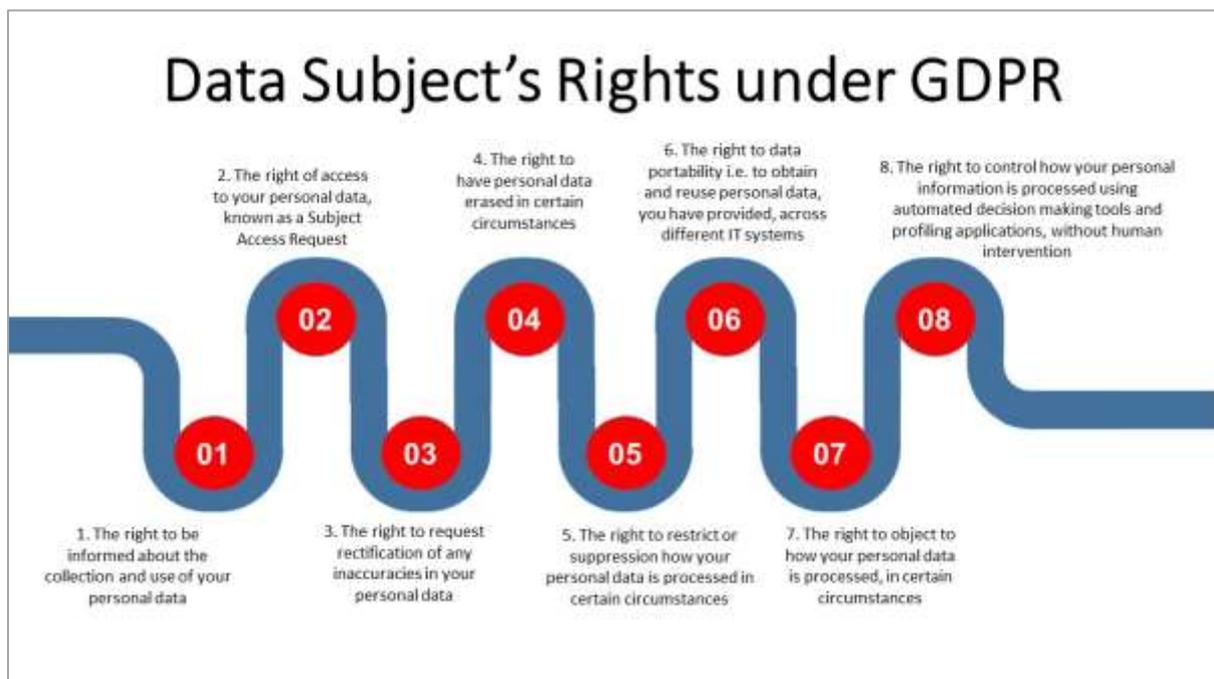
In these cases, permission to share must be given by our Caldicott Guardian, who is the senior person in the CCG responsible for ensuring the protection of confidential patient and service user information. We are obliged to tell you that we have shared your information unless doing so would put you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

GDPR provides the following rights for individuals:



Norwich CCG's observes your rights in relation to the information we hold in the following ways:

- Rights in relation to automated decision making and profiling – Article 22

Your Right to be Informed (Article 13 and 14)

This notice informs you how the CCG will use your information for the purposes of managing the local healthcare system.

Your Rights of Access to your Information (Article 15)

Under the Data Protection Act 2018 and the 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 NCCG.

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 Arden GEM 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.

If you want to access your records/ information you should make a written request to:

NHS Arden GEM Commissioning Support Unit
Lakeside 400
Old Chapel Way
Broadland Business Park
Thorpe St Andrew
NORWICH
NR7 0WG

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.

Your Right to Restrict How Your Information is Processed (Article 18)

By raising a Type 2 Objection via your GP Practice, you can control how your information is used to inform our commissioning decisions. By raising this type of objection your data will not be included in any data shared with the CCG by NHS Digital. In addition you have the right to withdrawn any consent you have given to the CCG to process your personal information.

Your Right to Rectify Your Information (Article 16)

Under Article 16 of GDPR, you have the right to have inaccurate (i.e. incorrect or misleading) personal data rectified or completed, if you feel that there are omissions (subject to the original purpose for the processing). You can make this request either in writing or verbally, however the CCG has a duty to ensure that we have taken all reasonable steps to check that the information is incorrect

Your Right to Erasure / Right to be Forgotten (Article 17)

Under Article 17 of GDPR, you have the right to have personal data erased. This right is also commonly referred to as the 'right to be forgotten'. You can request that your information be erased, subject to certain exemptions.

You can request for your information to be erased by the CCG if:

- Your personal data is no longer necessary for the purpose it was originally collected and/or processed by the CCG
- You wish to withdraw your consent for the CCG to hold your data and there is no overriding legitimate interest or legal obligation for the CCG to continue to process your data
- You consider that the CCG has processed your information unlawfully; or
- You have to exercise your right to erasure in order to comply with a legal obligation

We will communicate any erasure of information to anyone to whom it has been disclosed unless this is not possible or involves disproportionate effort. We will tell you who those recipients are if you ask us. We will also ensure that your information is erased from any backup systems as well as live systems.

The right to erasure is not an absolute right and so there maybe situations where your request cannot be satisfied, such as:

- The CCG must retain your data in order to comply with a legal obligation
- The CCG is required to process your data to carry out a task in the public interest or in the exercise of an official authority
- The CCG must retain your information for archiving purposes in the public interest, such as scientific research, historical research or statistical purposes where erasure is likely to render impossible or seriously hinder our ability to process information for commissioning purposes
- Where the CCG needs to retain your data for the purposes of a defence or legal claim; or
- In the case of special category data;
 - where we need to process data to protect the public's health such as protecting against cross-border health threats and pandemics; and/or
 - where a health professional processes data for the purposes of preventative or occupational medicine

The CCG can also refuse to comply with your request if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. In these circumstances we can

- request a "reasonable fee" to deal with your request, based on the administrative costs we may incur; or
- inform you within one calendar month that we must refuse your request.

If we are unable to satisfy your request, we will justify our decision.

Your Right to Raise an Objection to Share Your Information (Article 21)

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.

Your Right to Data Portability (Article 20)

You have the right to request that any information you have provided electronically is transferred to another IT system, potentially provided by another provider. Whilst this right is not applicable to any information that the CCG has requested from you or that you have provided, you should still be aware of this right under GDPR.

Registration as a Data Controller

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

Complaints/Appeals

If you believe NHS Norwich 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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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 calling 01603 613325 or 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 calling 01603 613325 or using the contact us section of the website.

- **Data Protection Officer (DPO)** – The DPO is responsible making sure that all information held by the CCG is collected, stored and used in accordance with the Data Protection Act 2018 and GDPR. The DPO is also responsible for the management and investigation of information breaches and incidents and the rights of individuals in respect of their personal data are upheld within the CCG.

Data Protection Officer

Further Help:

For further information and help with Information Governance, please contact:

Christina Jackson

Data Protection Officer

NHS Norwich Clinical Commissioning Group

Room 202, City Hall

St Peters Street

Norwich

NR2 1NH

Email address: norwich.ccg@nhs.net

Further information can also be obtained from the following links:

- [Data Protection Act 2018](#)
- [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](#)
- [Assuring Transformation Data](#)