

## Your information and how it is used

These pages explain your rights under the Data Protection Act 1998 and tell you how NHS West Norfolk Clinical Commissioning Group (WNCCG) processes information about you in accordance with the Act.

### Who are we?

NHS West Norfolk Clinical Commissioning Group (WNCCG) 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 West Norfolk, 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 West Norfolk, as well as providing directly some health services directly such as Personal Health Budgets and Independent Funding Requests.

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

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 West Norfolk Clinical Commissioning Group
- What type of information the CCG uses?
- What safeguards are in place – The Security of your Information? )
- Your Rights & Access to your Information
- Complaints & 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 your records are used to help the NHS

Your records are used in many ways and in different environments to guide healthcare professionals in the care you receive:

<p>Analysis <i>(see also risk stratification)</i></p>	<p>Your information may be used to help assess the needs of the general population and make informed decisions about the provision of future services. Information can also be used to conduct health research and development, monitor NHS performance, to help the NHS plan for the future.</p>
<p>Complaints</p>	<p>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.</p> <p>See our complaints section for more information.</p> <p>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.</p> <p>The CCG uses NHS NEL Commissioning Support Unit to administer the complaint process as per the information in our complaints section</p>
<p>Detection of Fraud</p>	<p>The Audit Commission conducts data matching exercises to assist in the prevention and detection of fraud. This is one of the ways in which the Audit Commission meets its responsibility of promoting economy, efficiency and effectiveness in the use of public money.</p>

	<p>For further information on this please see the separate Audit Commission Fair Processing information on the gov.uk pages.</p> <p><a href="https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative">https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative</a>.</p> <p>Data matching by the Audit Commission is subject to a Code of Practice. This may be found at <a href="http://www.audit-commission.gov.uk/national-fraud-initiative/code-of-data-matching-practice/">www.audit-commission.gov.uk/national-fraud-initiative/code-of-data-matching-practice/</a></p> <p>For further information on the Audit Commission's legal powers and the reasons why it matches particular information, see <a href="http://www.audit-commission.gov.uk/national-fraud-initiative/fair-processing-notice-full-text/">www.audit-commission.gov.uk/national-fraud-initiative/fair-processing-notice-full-text/</a>. For further information on data matching at this authority please contact:</p> <p>Head of Corporate Affairs</p> <p>NHS West Norfolk CCG</p> <p>King's Court</p> <p>Chapel Street</p> <p>King's Lynn</p> <p>PE30 1EL</p> <p>Email: <a href="mailto:contact.wnccg@nhs.net">contact.wnccg@nhs.net</a></p>
<p>Handling continuing healthcare (CHC) applications</p>	<p>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.</p>
<p>Personal Health Budgets</p>	<p>A <u>Personal Health Budget</u> is an amount of money to support the identified healthcare and wellbeing needs of an individual, which is planned and agreed between the individual, or their representative, and the CCG. To support this process, the CCG will process personal confidential data including sensitive data to evaluate, agree and monitor any personal health budgets</p>
<p>Handling individual funding</p>	<p>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</p>

requests (IFR) applications	agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers.
Internal Operations	The CCG will use both electronic and manual mechanisms to process personal confidential information relating to its employees and visitors to our sites and services. This is based on explicit consent provided by each employee at the time of joining and updated when any changes are made through internal communications.
Paying for services	<p>Where care is provided that the CCG is responsible for, it will need to provide payment to the care provider. 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. where this is not possible a partial post code is used to confirm that you are registered at a GP Practice or live within the CCGs area and therefore correctly assigned to the correct CCG for payment. 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.</p> <p>This is done in line with the <u><a href="#">Who Pays Invoice Validation Guidance</a></u>. And completed on the CCGs behalf by NHS NEL Commissioning Support Unit (CSU) as data processors for the CCG</p> <p><u>The CSU completes this task 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,</u></p> <p><u>More information on Section 251s are available via the <a href="#">Health Research Authority</a></u></p>
Safeguarding	<p>Advice and guidance will be provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately.</p> <p>Access to identifiable information will be shared in some limited circumstances where it is legally required for the safety of the individuals concerned.</p>

<p>Supporting medicines management</p>	<p>CCGs support local GP practices with prescribing queries that generally don't require identifiable information.</p> <p>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.</p>
<p>Patient Satisfaction</p>	<p>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.</p>
<p>Risk Stratification (see also Analysis)</p>	<p>Risk stratification tools use historic information about patients, such as age, gender, diagnoses and patterns of hospital attendance and admission collected by the HSCIC (NHS Digital) from NHS hospitals and community care services. This is linked to data collected in GP practices and analysed to produce a risk score.</p> <p>There is currently <u>Section 251 support</u> 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.</p> <p>A section 251 is where The Secretary of State for Health and Social Care has approved NHS England's application for support to establish a temporary lawful basis for 'necessary' Personal Confidential Data to be used to validate invoices, allow an organisation to become an Accredited Safe Haven (ASH) and carry out risk stratification. The risk stratification tool then:</p> <p>Provides the CCG with anonymised or aggregated data which we use 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.</p> <p>It Is used by GPs to help them to identify and support patients with long-term conditions and to help prevent un-planned hospital admissions or reduce the risk of certain diseases developing such as type 2 diabetes. This is called risk stratification for case-finding.</p> <p>GPs are able to identify individual patients from the risk stratified data when it is necessary discuss outcomes and consider</p>

	preventative care. Where the risk stratification process has linked GP data to health data obtained from other sources i.e. from another health care provider, the GP will ask for your permission to access the details of that information.
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Your information may be used to help assess the needs of the general population and make informed decisions about the provision of future services. Information can also be used to conduct health research and development, monitor NHS performance, to help the NHS plan for the future and to investigate complaints in respect of the services we commission.

In addition, healthcare organisations, such as your GP Practice or the hospital that you visit, hold information about you in order to support the treatment that is provided. There are measures outlined in law which protect the information that is held by these organisations. These measures ensure that information is only shared appropriately and in line with your wishes.

Organisations will use this information to support you with any treatment or contact that you may have, which is known as for “direct care purposes”. It helps them provide the most appropriate care for you as an individual and they may share information with other health professionals to ensure that they can make informed decisions. Where this information is shared, your confidentiality and privacy will be protected. To make sure this takes place, there are clear rules in our own procedures as well as national legislation.

As well as this information supporting your care, reports are produced which contain information to help plan future healthcare services, which is termed as for non-direct care purposes. This information is used to identify areas where our services need to expand, to improve & to change, in order to support our population fully and also to support the flow of funding from one NHS organisation to another. There are clear processes in place to say how this information can be used and what safeguards must be in place to protect patients. The ways in which information should be made anonymous are governed by the Department of Health.

### **What type of information the CCG uses?**

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

- **Identifiable information** – containing details that identify individuals. We may use personal information about you such as your name and address or other times we use more sensitive information about your health.

The CCG only has access to identifiable information where a legal basis exists to hold that information. These are outlined in the **How your information is used by the CCG** section of this document.

- **Person confidential data** – information which on its own or with other information can identify you.

Personal Confidential Data - This is a term used in the Caldicott Information Governance Review and describes personal information about identified or identifiable individuals, which should be kept private or secret and includes dead as well as living people.

- **Anonymised information** – about individuals but with identifying details removed and so cannot be tracked back to you. Where unique identifiers such as your name and full address have been removed so the information is no longer 'person identifiable' This information is used to plan health care services. Specifically, it is used to:
  - Check the quality and efficiency of the health services that the CCG commissions
  - Prepare performance reports on the services commissioned
  - Work what illnesses people will have in the future, so the CCG can plan and prioritise services and ensure these meet the needs of patients in the future.
  - Review the care being provided to make sure it is of the highest standard
- **Pseudonymised data** – where personal information about you is replaced with a code. Which allows the CCG to map your treatment through the health care system but only allows the provider / organisations providing treatment to identify you. This can also be shared with third parties who without the key would not be able to identify you. This is often used for example, when information is needed for research purposes.
- **Aggregated information** – anonymised information grouped together so that it cannot easily be put back together in order to identify individuals.
- **Primary care data** involves data from primary care covering dental practices, community pharmacies and high street optometrists. The CCG does not received this in an identifiable form it is received from the Health & Social Care Information Centre in an aggregated or pseudonymised form unless consent has been provided for a specific purpose.
- **Secondary care data** – is a record of data collected in hospitals, community acute and mental health, every NHS hospital in England and Wales for inpatients and day cases. The CCG sees as summary of this activity in a pseudonymised form the data containing individual patient details such as age,

sex, dates of admission and discharge, diagnoses, treatments and operations, and postcode.

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

### **Organisations that share information with NHS West Norfolk Clinical Commissioning Group**

In order for WNCCG to perform its commissioning functions, information is shared from various organisations, which include: general practice, acute and mental health hospitals, others CCGs, community services, walk in centres, nursing homes, directly from service users and many others.

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

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

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

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

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

### **Linking Data**

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



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

When analysing current health services and proposals for developing future services it is sometimes necessary to link separate individual datasets to be able to produce a comprehensive picture. This may involve linking primary care GP data with other data such as secondary uses service (SUS) data (inpatient, outpatient and A&E). In some cases there may also be a need to link local datasets which could include a range of acute-based services such as radiology, physiotherapy, audiology etc, as well as mental health and community-based services such as Improving Access to Psychological Therapies (IAPT), district nursing, podiatry etc. When carrying out this analysis, the linkage of these datasets is always done using a unique identifier that does not reveal a person's identity as the CCG does not routinely have any access to patient identifiable data.

## Risk Stratification

Risk stratification is a process that helps your GP to help you manage your health and provide the best care they can for you. As part of this process, your GP will use your health data to undertake risk stratification, also known as case finding.

Risk stratification is a NHS computer-based process, which identifies recent treatment you have had in hospital and any existing health conditions that you have and will allow your GP to identify whether you would benefit from clinical care to help prevent or better treat the condition.

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

To identify those patients individually from the patient community registered with your GP would be a lengthy and manually time-consuming process, which would by its nature potentially not identify individuals quickly and increase the time to improved care. Your GP Surgery uses a data processor Prescribing Services Limited to identify those most in need of preventative or improved care. This contract contains confidentiality clauses to ensure that appropriate safeguards are in place and is arranged by West Norfolk CCG.

West Norfolk CCG will not at any time have access to personal or confidential data which identifies you. They act on behalf of your GP to organise this service with appropriate contractual and security measures only.

Prescribing Services Limited will process your health data. Typically they will process your data using an anonymised identifier in place of your NHS number. This will be known as a pseudonymised data, using NHS 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 excluding your Name, Date of Birth, Address, Post Code, NHS Number is extracted from your GP's computer system, automatically processed and **only** your GP is able to view the outcome, matching results against patients on **their** system.

We have strict security controls in place to protect your confidentiality such as not only a password and username but also something that only, and only, that user has on them, i.e. a piece of information only they should know or have immediately to hand - and recommend this as secure and beneficial service to you. At all times, your GP remains accountable for how your data is processed.

## **Right to opt out**

Patients have a right to opt out of your information being used for risk stratification profiling.

It follows that the Practice must make patients aware that information is being used for these purposes and that you have a right to opt-out. This information is required for compliance with Principle 1 of the Data Protection Act. NHS England guidance is that GP practices should provide information to patients explaining how their data will be used and what to do if they have any concerns or objections.

If you opt out, your GP will mark your records as not to be extracted so it does not get sent to Prescribing Services Limited for risk stratification purposes. Further information can be found in your rights section.

## **What safeguards are in place – The Security of your Information?**

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

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

## **Confidentiality and security of information**

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

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

## Your Rights & Access to your Information

### Registration

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

### Retention and destruction of records

All records held by the CCG will be kept and destroyed under confidential conditions such as shredding for the duration specified by National guidance from the Department of Health, [NHS Records Management Code of Practice](#), and in line with local CCG Information Governance Policies.

The [NHS Care Record Guarantee](#) is a commitment that all NHS organisations (and other organisations which provide NHS-funded care) will use your records in ways that respect your rights and promote your health and wellbeing.

The [NHS Constitution](#) establishes the principles and values of the NHS in England. It provides a summary of your legal rights and contains pledges that the NHS is committed to achieve, including certain rights and pledges concerning your privacy and confidentiality.

### Your Rights

Under the Data Protection Act 1998 you have the general right to see or be given a copy of personal data held about you. This right can be exercised via submission of a Subject Access Request (SAR) to NHS SNCCG.

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

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

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

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

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

NHS NEL Commissioning Support Unit

Information Governance Team  
Lakeside 400  
Old Chapel Way  
Broadland Business Park  
Thorpe St Andrew  
Norwich  
NR7 0WG

We are currently able to charge a reasonable fee for the administration of the request, however these fees are set down in law as follows:

We may charge up to £10 for complying with a SAR relating to health records if the information is only held electronically.

We may charge up to £50 for complying with a SAR relating to health records if those records are held either wholly or partly in non-electronic form.

## Objections

### Your right to opt-out of information sharing

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

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

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

- You can object to information about you leaving a GP Practice in an identifiable form for purposes beyond your direct care, which means confidential information about you will not be shared with the CCG, the Health and Social Care Information Centre (NHS Digital) or other organisation for any non-direct care purpose. This is referred to as a **'type 1' objection**.
- You can object to information about (from any health & social care setting) leaving the HSCIC in an identifiable form, for the purposes beyond your direct care. This is referred to as a **'type 2' objection**.

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

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

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**

### Financial Validation

We will use limited information about individual patients when validating invoices received for healthcare provided, 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.

### Complaints / Appeals

In the event that you believe the NHS WNCCG has not complied with the Data Protection Act, either in responding to a Subject Access Request or in the way we have processed your personal information, you have the right to make a complaint by contacting the complaints team at:

NHS NEL Commissioning Support Unit  
Lakeside 400  
Old Chapel Way  
Broadland Business Park  
Thorpe St Andrew  
Norwich  
NR7 0WG

**Telephone:** 01603 257017

**E-mail:** [angliacsu.customerservices@nhs.net](mailto:angliacsu.customerservices@nhs.net)

If you wish to raise a complaint or make an appeal to an independent body, you may do so by contacting the Information Commissioner's Office in writing to the following address:

Information Commissioners Office  
Wycliffe House  
Water Lane  
WILMSLOW  
Cheshire SK9 5AF

**Enquiry Line:** 01625 545700

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

## 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 at WNCCG is Dr Clare Hambling and she can be contacted via Heather Farley – Head of Corporate Affairs [heather.farley@nhs.net](mailto:heather.farley@nhs.net) 01553666937

**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 at WNCCG is Mr Chris Randall and he can be contacted via Heather Farley – Head of Corporate Affairs [heather.farley@nhs.net](mailto:heather.farley@nhs.net) 01553666937

## Further Information

If you would like to know more about how NHS WN CCG uses your information please use the [Contact Us](#) section of our website.

Further information can also be obtained from the following links:

- [Data Protection Act 1998](#)  
[Care Record Guarantee](#); and  
[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](#)