

Fair Processing Notice – February 2018

Your information - what you need to know

This notice reminds you of your rights under the Data Protection Act 1998 and tells you how Norfolk Continuing Care Partnership (NCCP) processes information about you.

We only use your information for lawful purposes in order for us to administer the business of NCCP effectively. NCCP processes information in relation to Continuing Healthcare and other Individual Patient Placements.

NCCP is the organisation that oversees continuing healthcare provision for the following Clinical Commissioning Groups (CCGs):

- NHS Norwich CCG
- NHS North Norfolk CCG
- NHS South Norfolk CCG
- NHS West Norfolk CCG

NCCP is a division of NHS Norwich Clinical Commissioning Group but is jointly managed by the four Norfolk Clinical Commissioning Groups. NCCP does not provide healthcare like a GP Practice or hospital. Our role is to make sure the appropriately funded NHS care is in place, for the people qualifying for Individual Packages of Care, registered with GP practices within the boundaries of our partner CCGs.

The Data Protection Act (1998) strictly protects the information we hold about you and only those with the appropriate authority will have access to this information. Everyone working for the NHS has a legal duty to keep information about you confidential and secure.

We may use your information for a number of reasons not directly associated with your care. For instance, 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

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 NCCP using data or as a data processor, each activity explains what information is collected or used and for what purposes

Financial Validation

We will use limited information about individual patients when validating invoices received for healthcare provided, in most cases limited data is used to make such payments. In some instances, information to confirm that you are registered at a GP Practice within the boundaries of NCCP's partner CCGs 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.

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.

Handling Continuing Healthcare (CHC) Applications

If you make an application for CHC funding NCCP 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. NCCP provide this service for patients within the following 4 CCGs:

- NHS Norwich CCG
- NHS North Norfolk CCG
- NHS South Norfolk CCG
- NHS West Norfolk CCG

Data will not be transferred between the CCGs by NCCP.

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 their respective CCG. NCCP manages this process on behalf of the above 4 CCGs and will process personal confidential data including sensitive data to evaluate, agree and monitor any

Complaints

If you have a complaint about NCCP, we will use your information to communicate with you and to investigate any concern that you raise in line with our complaints policy. See our complaints section for more information.

Where NCCP 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.

If you believe NCCP 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 Head of Service Delivery, you should contact the respective CCGs 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

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.

Patient Satisfaction

NCCP will on occasion will use information to assess the effectiveness and appropriateness of its services such as 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 made aware that the register(s) will be published in advance of publication. This should be done by the provision of a fair processing notice that details the identity of the data controller, the purposes for which the registers are held and published, and contact details for the data protection officer. This information should additionally be provided to individuals identified in the registers because they are in a relationship with the person making the declaration. The register(s) of interests (including the register of gifts and hospitality) must be published as part of NHS Norwich CCGs Annual Report and Annual Governance Statement.

National Fraud Initiative

All CCGs are required by law to protect the public funds it administers, this also extends to NCCP. 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.

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.

We participate in the Cabinet Office's National Fraud Initiative: a data matching exercise 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 use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

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

View further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

For further information on data matching at this authority contact:

Head of Business Services
Norfolk Continuing Care Partnership
Lakeside 400
Broadland Business Park
Norwich
NR7 0WG
Email address: steve.ham@nhs.net

What type of information does NCCP use?

NCCP can hold various different types of information and you may hear many different terms used the following are those that NCCP 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.
- NCCP 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 NCCP 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 commissioned
 - Prepare performance reports on the services commissioned
 - Establish what illnesses people will have in the future, to future 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 NCCP 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
- Aggregated information – anonymised information grouped together so that it cannot easily be put back together in order to identify individuals.
- 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 NCCP

In order for NCCP to perform its primary functions, information is shared from various organisations, which include: general practice, acute and mental health hospitals, other CCGs, North East London 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 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.

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).

NCCP 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 NCCP staff receive annual training on how to do this. This is monitored by NCCP and can be enforced through disciplinary procedures.

NCCP, working with our service provider, North East London Commissioning Services Unit, 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. Each CCG for who NCCP provides a service has an IT Security and Information Governance policy available on their website.

Consent for sharing information

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

NCCP 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 us via email steve.ham@nhs.net or write to the Head of Service Delivery, Norfolk Continuing Care Partnership, Lakeside 400, Broadland Business Park, Norwich NR7 0WG.

Your rights and access to your information

Registration

Each CCG for whom NCCP provides a service 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 NCCP 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 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 Right of Access to Your Information

Under the Data Protection Act 1998 and the General Data Protection 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 NCCP.

NCCP 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 NCCP 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 NCCP 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.

Objections

Your right to opt-out of information sharing

NCCP 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 NHS Digital 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 NHS Digital website for further information.

If you have questions about this, please speak to staff at your GP practice.

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 Head of Service Delivery 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.

Key Roles in NCCP

NCCP have a number of key roles which support the protection of your data:

- **Caldicott Guardian** - The 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 for NCCP can be contacted at jill.shattock@nhs.net.
- **Senior Information Risk Owner (SIRO)** – The NCCP SIRO is member of the Senior Management Team 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 at steve.ham@nhs.net.

Further Help:

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

Head of Business Services
Norfolk Continuing Care Partnership
Lakeside 400
Broadland Business Park
Norwich
NR7 0WG

Email address: steve.ham@nhs.net

Further information can also be obtained from the following links:

- [Data Protection Act 1998](#)
- [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](#)