

# Fair Processing Notice

**Fair Processing Notice**

**Version Number: V.20**

**Published: 10/01/2019**

**Prepared by: Information Governance Team, Barking and Dagenham, Havering and Redbridge Clinical Commissioning Groups**

## Table of Contents

<b>What is a Fair Processing Notice?</b> .....	4
<b>About us:</b> .....	5
<b>Our legal basis for processing personal data</b> .....	5
<b>How long do you hold confidential information for?</b> .....	7
<b>Collection information about you</b> .....	7
<b>How we use your information</b> .....	9
<b>Where we store information</b> .....	19
<b>Your rights</b> .....	19
Right to be informed .....	19
Right of access .....	19
Right to rectification .....	19
Right to erasure ('right to be forgotten') .....	19
Right to restriction of processing .....	19
Right to data portability .....	19
Right to object .....	20
Rights in relation to automated individual decision-making including profiling .....	20
Right to complain to the Information Commissioner .....	20
<b>Your right to opt out (You have the right to object for us sharing your personal information):</b> .....	20
<b>What is the right to know?</b> .....	21
<b>What sort of information can I request?</b> .....	21
<b>How do I make a request for information?</b> .....	22
<b>Cookies</b> .....	22
<b>Complaints or questions:</b> .....	22

## What is a Fair Processing Notice?

The purpose of this notice is to inform you of the type of information (including personal information) that our clinical commissioning group (CCG) holds, how that information is used, who we may share that information with, and how we keep it secure and confidential.

This is a Fair Processing Notice (FPN) sometimes referred to as 'Privacy Notice', produced by BHR CCG that informs you about “**how information we collect about you is used**”, as a legal requirement to satisfy:

- **General Data Protection Regulation (GDPR)**  
<https://www.eugdpr.org/>
- Confidentiality Advisory Group (CAG) approval under s251 Regulations  
[\(http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/\)](http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/)
- **The NHS Constitution**  
 [\(https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england\)](https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england)

A privacy notice should identify who the data controller is, with contact details for its Data Protection Officer. It should also explain the purposes for which personal data are collected and used, how the data are used and disclosed, how long it is kept, and the controller's legal basis for processing

## About us:

Redbridge Clinical Commissioning Group (CCG) is based at Becketts House, 2-14 Ilford Hill, Ilford, Essex, IG1 2QX and North House, 46 North St, Romford RM1 1BH

Barking and Dagenham Clinical Commissioning Group (CCG) is based at Maritime House, 1 Linton Rd, Barking IG11 8HG and North House 46 North St, Romford RM1 1BH

Havering Clinical Commissioning Group (CCG) is based North House, 46 North St, Romford RM1 1BH.

GPs have always had a say in developing local health services, but since 2013 have taken on much greater responsibility to commission (which means to plan, buy and performance monitoring) to ensure the highest quality of healthcare and NHS services. To do this, they joined together as Clinical Commissioning Groups (CCGs).

Redbridge CCG works closely with our neighbouring CCGs in Barking and Dagenham and Havering. Collectively, as BHR CCGs we are responsible, along with other health and social care organisations, professionals and patients, for deciding how most of the local NHS budget is spent.

Redbridge CCG (also acting on behalf of Barking and Dagenham and Havering CCGs)-BHR CCGs purchases and manages healthcare services to provide patients with the best possible healthcare.

As part of this, we commission local hospital and mental health services, along with community services such as community nurses, health visitors, therapists and other allied health professions. We work closely with the organisations who provide the services, local councils and social care, voluntary organisations and importantly local people including patients and carers to ensure that budgets are divided between the services to make sure that everyone receives the care they need.

In carrying out our role, BHR CCGs has acquired Accredited Safe Haven (ASH) stage 1 status which allows us to hold or process 'Personal Information' that is "weakly Anonymised" (i.e. data at the level of a unique identifier, usually the NHS number).

## Our legal basis for processing personal data

Clinical Commissioning Groups (CCGs) were created following the Health and Social Care Act in 2012, and replaced Primary Care Trusts on 1 April 2013. They are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area. As such our business is based upon statutory powers which underpin the legal bases that apply for the purposes of the General Data Protection Regulation (GDPR).

The legal basis for the majority of our processing is:

Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

For entering into and managing contracts with the individuals concerned, for example our employees the legal basis is:

Article 6(1)(b) – processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

Where we have a specific legal obligation that requires the processing of personal data, the legal basis is: Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.

Where we process special categories data, for example data concerning including health, racial or ethnic origin, or sexual orientation, we need to meet an additional condition in the Data Protection Act (DPA). Where we are processing special categories personal data for purposes related to the commissioning and provision of health services the condition is:

Article 9(2)(h) – processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...

Where we process special categories data for employment or safeguarding purposes the condition is:

Article 9(2)(b) – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...

BHR CCGs may also process personal data for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or for the purpose of establishing, exercising or defending legal rights. Where we process personal data for these purposes, the legal basis for doing so is:

Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or

Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject; or

Article 6(1)(f) – processing is necessary for the purposes of legitimate interests pursued by the controller.

Where we process special categories of personal data for these purposes, the legal basis for doing so is:

Article 9(2)(f) – processing is necessary for the establishment, exercise or defence of legal claims; or Article 9(2)(g) – processing is necessary for reasons of substantial public interest.

## How long do you hold confidential information for?

All records held by the CCGs will be kept for the duration specified by national guidance from the Department of Health, [NHS Records Management Code of Practice](#).

## Collection information about you

Healthcare professionals and organisations directly involved in providing your care, for example your GP practice (the GPs are “[data controllers](#)”), need to hold personal information about you. There are a few exceptional circumstances when we as the CCG’s, will also collect information about you, and this information is generally limited to:

- Your name, address, data of birth and details of your GP
- Your medical condition and the treatment(s) that you receive

**Data controller** means ... a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal **data** are, or are to be, processed.

This might be because of:

- Managing a [complaint](#) you have made about a service
- Managing [Individual Funding Requests \(IFR\)](#) for care
- Managing a prior approval request for a treatment that is listed on the **National Tariff excluded drug list, in the Procedures of Limited Clinical Effectiveness Policy or Fertility policy**
- [Work to tackle NHS fraud](#)

Some members of our staff who work in collaboration with other healthcare providers may also occasionally have access to your information, but this is only strictly on a need to know basis.

Access to the information required is bound by the NHS Confidentiality Code of Practice and the principles of the GDPR. These particular circumstances are:

- [Continuing Healthcare](#)
- [Medicines Management](#)
- [Safeguarding](#)
- [Complaints management](#)

Your right to be informed about this use is an [NHS Constitution](#) commitment. “*You have the right to be informed about how your information is used*” which states:

- Data is identifiable to those with authorised access and re-engages with the GDPR

- It promotes the CCG's as a fair, open and transparent organisation and we value our relationship with patients as partners and respect their rights of choice.

Accurate, timely and relevant information is essential for our work to help us to design and plan current and future health and care services, evidence and review our decisions and manage budgets. And we are committed at all times to protecting your privacy and will only use information ethically and lawfully in accordance with the General Data Protection Regulation, **Article 8 of the Human Rights Act 1998** which states that:

1. Everyone has the right to respect for private and family life;
2. Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

It is also set out in the [Common law duty of confidentiality](#).

## How we use your information

BHR CCGs holds some information about you and this document outlines how this information is used, who we may share that information with, how we keep it secure (confidential) and what your rights are in relation to this.

All NHS organisations have to follow the principles and values set out in the [NHS Constitution](#) when using and sharing confidential personal information.

<p><b>Continuing Healthcare (CHC)</b></p>	<p><a href="#">NHS Continuing Healthcare</a> is a route for packages of care for adults aged 18 or over which is arranged and funded solely by the NHS. It is available to individuals outside of hospital who have on-going primary health needs. This package is often delivered in an individual's own home or a care home. In order to receive NHS CHC funding individuals have to be assessed by the CCGs according to a legally prescribed decision making process to determine whether the individual has a 'primary health need'. This is a joint assessment with other care providers which may include Social Services, hospitals or other CCGs.</p> <p>If agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers. This process is nationally defined and we follow a standard process and use standard information collection tools to decide whether someone is eligible.</p> <p><b>Legal Basis – Article (6)(b) Contract:</b> the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.</p> <p><b>Article (6)(c) Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).</p> <p><b>Article 6(1)(e) – Public Task:</b> processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p> <p><b>Article 9(2)(h) - Processing is necessary for the .... provision of health or social care or treatment or the management of health or social care systems and services</b></p> <p>The clinical professional who first sees you to discuss your needs will explain to you the information that they need to collect and process in order for us to assess your needs and commission your care and gain your explicit consent.</p>
<p><b>BHR Integrated Community Equipment Service</b></p>	<p>Local Health and Social Care Partners have set up a new joint service arrangement which is hosted by London Borough of Redbridge. The Integrated Equipment Service (ICES) will hold personal details of patients on a new Equipment Service database, called Millflow.</p> <p>The service is delivered by a single provider, Millbrook Healthcare Ltd, operating from a local equipment warehouse in Hainault. The single service provides better quality, greater reliability, more timely delivery and a higher standard of service for patients and users.</p>

To provide the ongoing care and equipment support service the service will need to hold your details on the new Community Equipment Service database which is managed jointly with Millbrook Healthcare. These details will be held to review ongoing equipment provision and support. This will include the equipment patients have now and any new equipment or changes to the equipment which may be required in future.

The details will also enable the service to establish arrangements for 6 monthly and annual inspection and servicing of equipment where required, respond to call outs when the equipment breaks down and collect, recycle and reuse equipment when it is no longer needed.

The personal details held on the system will only include those essential to providing the ongoing provision and management of the equipment. This will include patient name, address, post code, telephone number, email, next of kin, NHS number, GP and details of the items of equipment together with the history and, where required, contact details of family, friends or carers who the service may need to contact when arranging follow up reviews or to get access to deliver, service or collect equipment.

Access to your details is restricted to authorised clinical professionals employed by the BHR Partners and Millbrook Healthcare only and used for providing ongoing care and equipment support.

Access will not be permitted for any other purpose and the details will not be shared with anyone else. The data will be shared across the Partners as a part of the financial and performance monitoring of the service.

**Legal basis:** Article (6)(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

Article 9(2)(h) - Processing is necessary for the .... provision of health or social care or treatment or the management of health or social care systems and services.

The Service is committed to protecting service user's personal data. Personal data will be held securely and in compliance with the Data Protection Act and the new General Data Protection Regulations (GDPR) which came into force in May 2018.

The information on the database is subject to rigorous Data Sharing protocols and procedures and the access and security controls have been reviewed and approved by our Information Governance team.

We will retain your information on the system while we are supporting your on-going care and providing the equipment on loan. The details will be held in archive for a further 7 years from the point in time when it is agreed that the care support and equipment are no longer required. This is in accord with our retention policy.

<p><b>Individual Funding Requests (IFR)</b></p>	<p>On an individual basis, there may be situations where a clinician believes that their patient's clinical situation is so different to other patients with the same condition that they should have their treatment paid for when other patients would not. In such cases, NHS clinicians can ask Redbridge CCG, on behalf of a patient, to fund a treatment which would not usually be provided by Redbridge CCG for that patient. This request is called an Individual Funding Request (IFR).</p> <p><b>Legal Basis:</b></p> <p><b><u>Lawful basis for processing under Article 6 (a) Consent:</u></b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> <p>Direct Care Provision - GDPR Article 9(2)(h) - Processing is necessary for the .... provision of health or social care or treatment or the management of health or social care systems and services.</p> <p>The clinical professional who first identifies that you may need the treatment will explain to you the information that we need to collect and process in order for us to assess your needs and commission your care and gain your explicit consent.</p>
<p><b>Prior Approval</b></p>	<p>There are a number of treatments that require prior approval before treatment can be undertaken. This includes, but is not limited to; requests for drug treatment listed on <b>the National Tariff excluded drug list, in the Procedures of Limited Clinical Effectiveness Policy or in Fertility policy.</b></p> <p><b>Lawful basis for processing under Article 6 (a) Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> <p><b>Lawful basis for processing under Article 9(a):</b> the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;</p> <p>(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;</p> <p>The clinical professional who first identifies that you may need the treatment will explain to you the information that we need to collect and process in order for us to assess your needs and commission your care and gain your explicit consent.</p>
<p><b>Medicines Management</b></p>	<p>BHR CCGs has a medicines management team that supports GPs to help ensure the safe and cost-effective use of medicines.</p>

	<p>Data is used to both help get the best outcomes from medicines and for monitoring medicines use although any reports based on this do not contain personal data.</p> <p>We occasionally receive patient identifiable information from GP practices and NHS Trusts in support of individual patient care. However, this will only occur where patients have provided their individual consent for this data to be shared. This information may be stored in line with the Lawfulness Conditions stated below. Any patient identifiable information that does not need to be retained will be confidentially destroyed.</p> <p>The CCG medicines management team may have access to patient records to support GP prescribing within individual GP practices. However, no data is removed from the premises or stored by the medicines management team. Any such processed data is retained by the GP practice.</p> <p>We may share information with the following organisations with your explicit consent or when the law allows: GP practices or other health and social care providers.</p> <p>To process your personal information if it relates to a complaint where you have asked for our help or involvement. BHR CCGs complaints are managed through the NEL CSU (North East London Commissioning Support Unit) Patient Experience team.</p> <p>The lawful justifications for the processing and possible sharing of this data are;-</p> <p>Article 6(1)(a) <b>Consent</b> “the individual has given clear consent for you to process their personal data for a specific purpose”</p> <p>Article 6(1)(c) <b>Legal Obligation</b> “the processing is necessary for you to comply with the law )not including contractual obligations”</p> <p>Article 6(1)(e) <b>Public Task</b> “the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”</p> <p>In addition to the above, an Article 9 condition of processing must also be used;-</p> <p>Article 9(2)(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;</p> <p>Article 9(2)(h) “processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health”</p>
<p><b>Registration Authority</b></p>	<p>Registration Authority (RA) use the Care Identity Service to control NHS smartcard access for the NHS Spine's 800,000+ smartcard users. It's a</p>

	<p>unified application that provides a single location for all registration authority activities.</p> <p>Smartcards are required to access NHS Spine information systems and a smartcard used in conjunction with a passcode, known only to the smartcard holder, gives secure and auditable access to national and local Spine enabled health record systems.</p> <p>The RA will collect personal data on you, some of which you provide in your application, and some of which is collected by cookies when you access NHS Care Records Service applications.</p> <p>NHS Digital is the data controller for this data, under powers arising from Directions.</p> <p><b>Processing Activities</b> How we use the information - For managing NHS Care Records Service applications.</p> <p>This data will be processed:</p> <ul style="list-style-type: none"> <li>• By local and other Registration Authorities for the purposes of validating your identity, managing your Smartcard and ensuring that you are given appropriate access to NHS Care Records Service applications, or applications that utilise the NHS Care Records Service authentication.</li> <li>• By NHS Digital to record your use of the NHS Care Records Service applications.</li> <li>• In accordance with General Data Protection Regulation (GDPR) data protection law.</li> <li>• For disclosure and auditing of access to systems as part of our commitment to patients within the Care Record Guarantee, such as to the Summary Care Record (SCR) <a href="https://digital.nhs.uk/services/summary-care-records-scr">https://digital.nhs.uk/services/summary-care-records-scr</a> and in accordance with any complaint, investigation or as required by appropriate legislation.</li> </ul> <p>Your data will:</p> <ul style="list-style-type: none"> <li>• Be held throughout your time as an active user and will be retained for up to 40 years after your Smartcard user profile has been closed, at which point it will be subject to review.</li> <li>• Not be transferred out of the European Economic Area.</li> <li>• Not be used for any automated decision making.</li> </ul> <p>The above details the personal data processed in relation to the NHS Digital Smartcard registration itself.</p> <p>For details of how other NHS Digital programmes use data (that you may access using your smartcard) please see <a href="https://digital.nhs.uk">https://digital.nhs.uk</a>.</p> <p><b>Legal Basis:</b> Article (6)(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).</p>
<p><b>Complaints</b></p>	<p>To process your personal information if it relates to a complaint where you have asked for our help or involvement. BHR CCGs complaints are managed through the NEL CSU (North East London Commissioning Support Unit) Patient Experience team.</p>

**Legal Basis - explicit consent.**

We will need your explicit consent to undertake such activities.

The lawful bases for processing complaints information as set out in Article 6 and Article 9 of the GDPR is as detailed below:-

**Article 6**

**(a)** Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

**(c)** Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

**Article 9**

**(a)** the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

The above means that the CCG's must obtain explicit consent from the complainant or third party to have access to and process the following types of data:

Your name  
Your address  
Your date of birth  
Your postcode  
Your NHS number  
Your email address  
Your medical condition

**Complaint processing activities.**

When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint.

We will only use the personal information we collect to process the complaint.

We will only use the personal information we collect to process the complaint.

We usually have to disclose the complainant's identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person's record is in dispute.

If a complainant doesn't want information identifying him or her to be disclosed, we will try to respect that. However, it is difficult to handle a complaint on an anonymous basis.

We will keep personal information contained in complaint files in line with the NHS retention policy. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

We will publish service user stories, following upheld complaints, anonymously via our governing bodies. The service user stories will

	provide a summary of the concern, service improvements identified and how well the complaints procedure has been applied.
<b>Invoice Validation</b>	<p>A small amount of information that could identify you is used within a special secure area within the commissioning environment, known as a Controlled Environment for Finance (CEfF), so that the organisations that have provided care for you can be paid. The invoice validation process supports the delivery of patient care across the NHS by:</p> <ul style="list-style-type: none"> <li>• Ensuring that service providers are paid for the patient's treatment appropriately.</li> <li>• Enabling services to be planned, commissioned, managed, and subjected to financial control, and enabling commissioners to confirm that they are paying appropriately for the treatment of patients for whom they are responsible.</li> <li>• Fulfilling commissioners' duties of fiscal probity and scrutiny.</li> <li>• Enabling invoices to be challenged and disputes or discrepancies to be resolved more effectively and quickly.</li> </ul> <p><b>Legal Basis</b> - Section 251 NHS Act 2006, Health and Social Care Act 2012 - Redbridge CCG is an accredited Controlled Environment for Finance (CEfF) under a Section 251 exemption which enables us to process patient identifiable information without consent for the purposes of invoice validation</p> <p>CAG 7-07 (a)(c)/2013 - if CEfF in CSU or 3rd party</p> <p>BHR CCGs also commissioned the NEL CSU to provide the CEfF function for its organisation to reduce the level of personal identifiable data being provided to the CCGs. This function continues to be operated as outlined in the Section 251 approved document.</p> <p><b>Article (6) (c) Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).</p> <p><b>Processing Activities</b></p> <p>We have a signed CEfF assurance statement which we submitted to NHS England.</p> <p>The invoice validation process involves using your NHS number and occasionally your postcode or date of birth to establish which NHS organisation is responsible for paying for your treatment.</p> <p>The minimum amount of information about you is used. We have commissioned NHS Shared Business Services to provide this service for us in their Controlled Environments for Finance. All invoices received through this service are stored securely within the Controlled Environment for Finance and are accessible only to authorised team members.</p>

	<p>The requirements which they comply with, within the Controlled Environment for Finance to protect your privacy, can be found on the NHS England website.</p> <p>Further information about invoice validation may found at:  <a href="https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validationfaqs/">https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validationfaqs/</a></p>
<p><b>Innovation</b></p>	<p>Patient data is collect by the commissioner from General Practices, Acute Trusts, Community Health, Hospitals, Public Health, Urgent Care and Social Care. This data is used for clinical purposes/direct care in identifiable form. The data is anonymised for secondary users including supporting care services procurements.</p> <p><b>Legal Basis:</b>  Personal Data  <b>Article (6)(b) - Contract:</b> the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.</p> <p><b>Article (6) (e) Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.</p> <p>Sensitive Data:  <b>Article (9)(h)</b> processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;</p> <p><b>Article (9)(i)</b> - processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;</p>
<p><b>Safeguarding</b></p>	<p>BHR CCGs are dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.</p> <p>Legal Basis - Statutory - Care Act 20142,</p> <p><b>Article 6</b>  <b>(a) Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> <p><b>Article (6) (e) Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.</p>

	<p>For the processing of special categories data, the basis is Article 9(2)(b) – ‘processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...’</p> <p>Where ever possible, we will request your consent before sharing any personal information for the purpose of safeguarding. However, because of public Interest issues, e.g. to protect the safety and welfare of vulnerable children and adults at risk, we will on occasion rely on our statutory basis obligations rather than consent to process information for this use.</p>
<p><b>Commissioning</b></p>	<p>To collect NHS data about patients that we are responsible for to support the planning and monitoring of health care services.</p> <p><b>Legal Basis – Legal Obligation – GDPR Article (6)(c)</b></p> <p><b>Processing Activities</b></p> <p>Hospitals and community organisations that provide NHS-funded care must submit certain information to NHS Digital about services provided to our service users.</p> <p>This information is generally known as commissioning datasets. The CCGs obtain these datasets from NHS Digital and they relate to service users registered with GP Practices that are members of the CCGs.</p> <p>These datasets are then used in a format that does not directly identify you, for wider NHS purposes such as managing and funding the NHS, monitoring activity to understand and plan the health needs of the population and to gain evidence that will improve health and care through research.</p> <p>The datasets include information about the service users (such as their NHS number) who have received care and treatment from those services that we are responsible for funding. The CCGs are unable to identify you from these datasets. They do not include your name, home address, post code or date of birth. Information such as your age, ethnicity and gender as well as coded information about any clinic or accident and emergency attendances, hospital admissions and treatment will be included.</p> <p>The specific terms and conditions and security controls that we are obliged to follow when using those commissioning datasets can also be found on the <a href="https://digital.nhs.uk/services/secondary-user-service-sus">https://digital.nhs.uk/services/secondary-user-service-sus</a> .</p> <p>The CSU are data processors for this set of data.</p>
<p><b>Planned Care</b></p>	<p>The Planned Care Team receives GP alerts for GPs. These are emails which detail concerns that GPs have around services which the team will act on. On occasion if the concern is in regards to a specific patient, PID may be provided with the patient’s consent, the email from the GP will</p>

	<p>stipulate if this is the case.</p> <p><b>Legal Basis: Consent - GDPR Article (6)(a):</b> the individual has given clear consent for you to process their personal data for a specific purpose</p>
<p><b>Mental Health Tertiary Funding Requests</b></p>	<p>Mental Health Tertiary funding requests relate to requests that are received from our locally commissioned specialist mental health provider for complex mental health needs that cannot be met within the existing commissioned services.</p> <p>These are often high cost low volume services, which may be provided by national specialist centres.</p> <p><b>Legal Basis</b> – GDPR Article (6) (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.</p> <p>Direct Care Provision - GDPR Article 9(2)(h) - Processing is necessary for the .... provision of health or social care or treatment or the management of health or social care systems and services.</p>
<p><b>Legal</b></p>	<p>BHR CCGs may also process personal data for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or for the purpose of establishing, exercising or defending legal rights.</p> <p>Where we process personal data for these purposes, the legal basis for doing so is:</p> <p>Legal Basis-</p> <p><b>Article 6(1)(e)</b> – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or</p> <p><b>Article 6(1)(c)</b> – processing is necessary for compliance with a legal obligation to which the controller is subject; or</p> <p><b>Article 6(1)(f)</b> – processing is necessary for the purposes of legitimate interests pursued by the controller.</p> <p>Where we process special categories of personal data for these purposes, the legal basis for doing so is:</p> <p><b>Article 9(2)(f)</b> – processing is necessary for the establishment, exercise or defence of legal claims; or</p> <p><b>Article 9(2)(g)</b> – processing is necessary for reasons of substantial public interest.</p>

## Where we store information

All data is stored in the UK. There are no transfers of personal data outside of the UK.

## Your rights

The GDPR includes a number of rights that are more extensive than those in the Data Protection Act (DPA) 1998. We must generally respond to requests in relation to your rights within one month, although there are some exceptions to this. The availability of some of these rights depends on the legal basis that applies in relation to the processing of your personal data, and there are some other circumstances in which we may not uphold a request to exercise a right. Your rights and how they apply are described below.

### Right to be informed

Your right to be informed is met by the provision of this privacy notice, and similar information when we communicate with you directly – at the point of contact.

### Right of access

You have the right to obtain a copy of personal data that we hold about you and other information specified in the GDPR, although there are exceptions to what we are obliged to disclose. A situation in which we may not provide all the information is where in the opinion of an appropriate health professional disclosure would be likely to cause serious harm to your, or somebody else's physical or mental health.

### Right to rectification

You have the right to ask us to rectify any inaccurate data that we hold about you.

### Right to erasure ('right to be forgotten')

You have the right to request that we erase personal data about you that we hold. This is not an absolute right, and depending on the legal basis that applies, we may have overriding legitimate grounds to continue to process the data.

### Right to restriction of processing

You have the right to request that we restrict processing of personal data about you that we hold. You can ask us to do this for example where you contest the accuracy of the data.

### Right to data portability

This right is only available where the legal basis for processing under the GDPR is consent, or for the purposes of a contract between you and Redbridge CCG. For this to apply the data must be held in electronic form. The right is to be provided with the data in a commonly used electronic format.

## Right to object

You have the right to object to processing of personal data about you on grounds relating to your particular situation. The right is not absolute and we may continue to use the data if we can demonstrate compelling legitimate grounds.

## Rights in relation to automated individual decision-making including profiling

The CCGs do not process data using this method, so this right will not apply to our data processing activities.

## Right to complain to the Information Commissioner

You have the right to complain to the Information Commissioner if you are not happy with any aspect of NHS England's processing of personal data or believe that we are not meeting our responsibilities as a data controller. The contact details for the Information Commissioner are:

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

The CCGs does not directly provide health care services and therefore does not hold personal healthcare records. If you wish to have sight of, or obtain copies of your of your own personal health care records you will need to apply to your GP Practice, the hospital or NHS Organisations which provided your health care.

If you wish to have a copy of the information we hold about you, please email: [redbridgeccg.ig@nhs.net](mailto:redbridgeccg.ig@nhs.net) or details of how to make such requests.

If you like further information on your rights please write to our Data Protection Officer at BHR Clinical Commissioning Groups,  
Becketts House,  
2-14 Ilford Hill,  
Ilford,  
Essex,  
IG1 2QX

You can also email [DPO.BHRCCGS@nhs.net](mailto:DPO.BHRCCGS@nhs.net)

## Your right to opt out (You have the right to object for us sharing your personal information):

You have the right, in law and additionally in the [NHS Constitution](#), to request that your confidential information is not used beyond your own care and treatment and to have your objections considered, and where your wishes cannot be followed, to be told the reasons including the legal basis.

You have the right to withhold permission (as required by law) to share your information, but be aware that this may adversely affect the care you receive. In some circumstances other duties or obligations to share information outweigh confidentiality, and personal information is shared without consent, for example to ensure the safety of a child or vulnerable adult to report a notifiable disease.

Always consult with your GP or relevant health professional before deciding to withhold consent for sharing your information, as they will be able to advise you of the possible outcomes of this decision.

Your information will be used in a de-identified or anonymised form for purposes other than direct care, such as statistical and analytical information needed to assist the CCGs, the NHS, Department of Health and health care partners.

You may want to prevent confidential information about you from being shared or used for any purpose other than providing your care. There are two choices available to you:

- You can object to information about you leaving a GP Practice in an identifiable form for purposes other than your direct care, which means confidential information about you will not be shared with the CCGs, NHS Digital (previously known as the Health and Social Care Information Centre (HSCIC) or other organisation for any non-direct care purpose. This is referred to as a **'type 1' objection**; In addition
- You can object to information about you being used for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs. This is referred to as a **'national opt-out'**. For further information please [click here](#).

Information from other sources where you receive care, such as hospitals and community services, is collected nationally by NHS Digital I. If you do not want information that identifies you to be shared outside your GP practice and/or NHS Digital, 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.

If you wish to exercise your right to opt-out, or to speak to somebody to understand what impact this may have, if any, please [contact us](#).

## What is the right to know?

**The Freedom of Information Act 2000** (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness, transparency and accountability across the public sector.

## What sort of information can I request?

In theory, you can request any information BHR CCGs holds, that does not fall under an exemption.

## How do I make a request for information?

Your request must be in writing and can be either posted or emailed to BHR CCGs. The service is managed by the team at NEL Commissioning Support Unit (NEL CSU). You can send your request in writing to:

FOI Team  
NEL Commissioning Support Unit  
Clifton House  
75-77 Worship Street London  
EC2A 2DU

You can also email your request to [FOI-RedbridgeCCG@nelcsu.nhs.uk](mailto:FOI-RedbridgeCCG@nelcsu.nhs.uk)

For independent advice about data protection, privacy, data sharing issues and your rights you can contact:

Information Commissioner's Office  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF  
Telephone: 0303 123 1113 (local rate) or 01625 545 745  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk) or  
[Visit the ICO website.](#)

## Cookies

We use cookies only because we want you to find the information you need as quickly and easily as possible. A cookie is a small text file that is placed on your computer when you visit a website. Cookies help websites function usefully and can provide information to website owners. Cookies do not place viruses on your computer and cannot run programs. Our cookies do not provide us with any private or personally identifiable information about you. All data that is gathered is anonymous. Further information can be found in our [cookies policy](#)

## Complaints or questions:

A **Caldicott Guardian** is a senior person responsible for protecting the confidentiality of patient and service-user information and enabling appropriate information-sharing. Each NHS organisation is required to have a **Caldicott Guardian**; this was mandated for the NHS by [Health Service Circular: HSC 1999/012](#).

The Caldicott Guardian for BHR CCGs is the Nursing Director, Jacqui Himbury. Email: [Jacqui.himbury@nhs.net](mailto:Jacqui.himbury@nhs.net)

In order to deal with your complaints the CCGs keeps a log of your information provided in your complaints for administrative purposes only, and this is limited to your name, address, telephone number and/or e-mail address.

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate.

To make a complaint about how we have used your personal information, please contact in writing by email at [REDCCG.complaintsbhrccgs@nhs.net](mailto:REDCCG.complaintsbhrccgs@nhs.net)

Or by post at:  
BHR Clinical Commissioning Groups  
Complaints Team,  
c/o 5<sup>th</sup> floor - Becketts House,  
2-14 Ilford Hill,  
Ilford,  
Essex,  
IG1 2QX

For any other enquiries please contact Redbridge CCG: Tel: 020 3182 5905

If you have any questions about this policy or how we use your personal data, please send this in writing to by email to [DPO.BHRCCGS@nhs.net](mailto:DPO.BHRCCGS@nhs.net) or by post at:

FAO Data Protection Officer  
BHR Clinical Commissioning Groups  
Becketts House  
2-14 Ilford Hill  
Ilford  
Essex  
IG1 2QX

## Changes to the Fair Processing Notice FPN

We will review and amend this FPN to ensure it remains up-to-date and accurately reflects how and why we use your personal data. The current version of our Fair Processing Notice will always be posted on our website.