

## Fair Processing Notice

Coventry and Warwickshire Clinical Commissioning Group (CCG) is responsible for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, mental health services, rehabilitation and community services. We need to use information about you to enable us to do this effectively, efficiently and safely.

### How we use your information

This Fair Processing Notice tells you about the information we collect and hold about you, what we do with it, how we will look after it and who we might share it with. It also explains the choices you can make about the way in which your information is used and how you can opt-out of any sharing arrangements that may be in place.

It covers information we collect directly from you or collect indirectly from other individuals or organisations for the CCG's registered population.

This notice is not exhaustive. However, we are happy to provide any additional information or explanation needed. Contact details can be found here:

NHS Coventry and Warwickshire CCG  
Westgate House  
Market Street  
Warwick CV34 4DE  
Telephone: 02476 324399  
Email: [ccg.governance@nhs.net](mailto:ccg.governance@nhs.net)

### OR

Information Governance Team, Arden and GEM CSU  
Westgate House  
Market Street  
Warwick CV34 4DE  
Telephone: 0121 611 0730  
Email: [agcsu.informationgovernance@nhs.net](mailto:agcsu.informationgovernance@nhs.net)

This Fair Processing Notice applies to all information held by the CCG relating to individuals, whether you are a patient, service user or a member of staff.

### Reviews of and Changes to our Fair Processing Notice

We will keep our Fair Processing Notice under regular review at our Information Governance Steering Group Meeting. This Fair Processing Notice was last reviewed in April 2021 and will be reviewed at least annually.

## Types of Information we collect and hold about you

We need to use information in various forms about you and will only use the minimum amount of information necessary for the purpose. Where possible, we will use information that does not identify you.

## Definitions

The CCG processes several different types of information:

1. Identifiable – containing details that identify individuals. The following are data items that are considered identifiable: name, address, NHS Number, full postcode, date of birth
2. Pseudonymised information - individual-level information where individuals can be distinguished by using a coded reference, which does not reveal their 'real world' identity
3. Anonymised – about individuals but with identifying details removed
4. Aggregated – statistical information about several individuals that have been combined to show general trends or values without identifying individuals within the data.

Our records may be held on paper or in a computer system.

While we have made this Fair Processing Notice as easy to read and understandable for you as we can there are some legal concepts/terms which will be used further in the Fair Processing Notice which may require some further explanation throughout this Fair Processing Notice are [explained on the further definitions and terms page.](#)

## Legal obligations to collect and use information

In the circumstances where we are required to use personal identifiable information we will only do this if:

- The information is necessary for your direct healthcare
- There is an overriding public interest in using the information e.g. in order to safeguard an individual or to prevent a serious crime
- There is a legal requirement that will allow us to use or provide information (e.g. a formal court order or legislation)
- We have permission to do so from the Secretary of State for Health to use certain confidential patient identifiable information when it is necessary for our work
- Emergency Planning reasons such as for protecting the health and safety of others;
- Information necessary for equality and diversity.

## Primary and Secondary Care Data

The NHS provides a wide range of services which involve the collection and use of information. Different care settings are considered as either 'primary care' or 'secondary care'. Primary care settings include GP practices, pharmacists, dentists and some specialised services such as including military health services. Secondary care settings include local hospitals, rehabilitative care, urgent and emergency care (including out of hours and NHS 111), community and mental health services.

Throughout this Fair Processing Notice you will see reference to an organisation called NHS Digital who are the national provider of information, data and IT systems for commissioners (such as the CCG), analysts and clinicians in health and social care. NHS Digital provide information based on identifiable information passed securely to them by Primary and Secondary Care Providers who are legally obliged to provide this information. The way in which NHS Digital collect and use your information can be found [here](#):

## Our Commitment to Data Privacy and Confidentiality Issues

We are committed to protecting your privacy and will only process personal confidential data in accordance with the [General Data Protection Regulation](#), the Common Law Duty of Confidentiality and the Human Rights Act 1998. The various laws and rules about using and sharing confidential information, with which the CCG will comply, are available in "[A guide to confidentiality in health and social care](#)" which is published on the NHS Digital website.

Coventry and Warwickshire CCG is a [Data Controller](#) under the terms of the General Data Protection Regulations we are legally responsible for ensuring that all personal confidential data that we collect and use i.e. hold, obtain, record, use or share about you is done in compliance with the 7 Principles.

All data controllers must notify the [Information Commissioner's Office \(ICO\)](#) of all personal information processing activities. Our ICO Data Protection Register number is ZB020394 and our entry can be found in the Data Protection Register on the [Information Commissioner's Office website](#).

Everyone working for the NHS has a legal duty to keep information about you confidential. The [NHS Care Guarantee Record](#) and [NHS Constitution](#) provide a commitment that all NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.

All identifiable information that we hold about you will be held securely and confidentially. We use administrative and technical controls to do this. We use strict controls to ensure that only authorised staff are able to see information that identifies you. Only a limited number of authorised staff have access to information that identifies you where it is appropriate to their role and is strictly on a need-to-know basis. All health and social care

# NHS Coventry and Warwickshire Clinical Commissioning Group

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organisations are required to provide annual evidence of compliance with applicable laws, regulation and standards through the Information Governance Toolkit which show our current level of compliance as 'satisfactory' providing assurance to you of how we protect your information. The individual requirements we must provide evidence for can be found [here](#). Further information regarding Information Governance and the Data Security and Protection Toolkit can be found on the [definitions and terms page](#).

All of our staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. All staff are trained to ensure they understand how to recognise and report an incident ensuring that the organisation's procedure for investigating, managing and learning lessons from incidents.

We will only retain information in accordance with the schedules set out in the [Records Management Code of Practice for Health and Social Care 2020](#). The CCG's Records Management Policies include guidance around the secure destruction of information in line with the Code of Practice.

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

## Confidentiality Advice and Support

The CCG has a Caldicott Guardian who is a senior person responsible for protecting the confidentiality of service user and service user information and enabling appropriate and lawful information-sharing. Further information about the role of the [Caldicott Guardian](#) can be found on our definitions page.

The DPO is an identifiable person that informs and advises the CCG and its data processors, monitors their compliance, and is a primary contact for data subjects and the Information Commissioner's Office (ICO). The DPO works with staff in Information Governance. CCG staff consult the DPO when, for example, conducting a Data Protection Impact Assessment (DPIA) and when serious personal data breaches need to be reported to the ICO.

The DPO for the CCG is Judith Jordan, the Arden & GEM Head of Integrated Governance. Contact her on [agem.dpo@nhs.net](mailto:agem.dpo@nhs.net) or (0121) 611 0730.

## Your Rights

**To erasure (GDPR Article 17)** – You have the right to 'be forgotten' unless there is an overriding legal requirement to retain the information held on you. Within the NHS It is a statutory responsibility to retain a record of Health care events; i.e. a medical record. All

# NHS Coventry and Warwickshire Clinical Commissioning Group

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Health-related records are held in line with the NHS Records Management Code of Practice 2016 retention schedules unless otherwise stated.

If you wish to discuss the content of your medical record then please contact the GP Practice, the hospital or the NHS organisation which provided your healthcare to address your concerns.

**To rectification (GDPR Article 16)** – You have the right to have accurate and up to date records held on you by an organisation. If you are aware of a mistake in the information held on you, contact the service you supplied your information to for rectification of your record. If the information is not part of your health record (these will follow specific DOH Records Management Code of Practice 2016 guidance) the CCG will work with you to rectify the inaccurate information.

**To restrict processing (GDPR Article 18)** – or suppress the use of your personal data. It is a statutory responsibility for the NHS to retain a record of Health care events; i.e. a medical record. If you wish to discuss the content of your medical record then please contact the contact the GP Practice, the hospital or the NHS organisation which provided your healthcare to address your concerns. If you wish to discuss this right in relation to the data the CCG holds please contact the CCG.

**To object (GDPR Article 21)** – You have the right to refuse and withdraw consent to information sharing at any moment in time. If you wish to withhold consent, it may have an impact on the services and responses we can offer you. If you do not wish to consent to your personal information being shared with us, or have any concerns or questions about the use of your personal information, please contact the CCGs Data Protection Officer.

The National Opt-Out Programme in 2018 provides you with information on how you can control your information being used for research and planning. The programme has simplified this splitting this into two, one is information being used for your individual care and the second is for information being used for research and planning. You can log on to NHS Choices website: <https://www.nhs.uk/your-nhs-data-matters/> where you will see all options and allows you to manage the choices available to you.

Information from other places where you receive care, such as hospitals and community services is collected nationally by NHS Digital. There are some specific situations where your data may still be used. Data that does not identify you may still also be used and where your confidential patient information will still be used to support your individual care. Any preference you set using this service will not change this.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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If the CCG holds information about you in an identifiable form on the basis of consent and you no longer wish us to hold this data please contact the CCG and stating that you wish the CCG to stop holding and processing your data. The CCG will explain if this is possible, i.e. if there is no other overriding legal or statutory reason.

**To Data Portability (GDPR Article 20)** – Where you have provided information directly to the CCG or the CCG has collected your information for the performance of a contract, you can exercise your right to data portability, this means that if you can use your own personal data for your own purpose. In practice this means that you could transfer your information to another source and that this is provided in format which would allow you to do this. The CCG will assist you explain where this is possible such as where it is held electronically and if it is in an easily readable format.

**Rights related to automated decision making including profiling (GDPR Article 22)** – An organisation would have to evidence specific conditions in order to process information that relies solely on automated and/or profiling techniques to process, An organisation can only carry out this type of decision-making where the decision is:

- Necessary for the entry into or performance of a contract; or
- Authorised by Union or Member state law applicable to the controller; or
- Based on the individual's explicit consent

**To Complain** – 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. We would also welcome any suggestions for improving our procedures.

To exercise any of your rights listed above, please contact:

**Coventry & Warwickshire CCG Governance Team**

**Tel:** 02476 324399

**Email:** [ccg.governance@nhs.net](mailto:ccg.governance@nhs.net)

You also have the right to complain to, appeal to or raise your concerns about the processing of your information with the Information Commissioner's Office by writing to:

**Information Commissioner's Office**

# NHS Coventry and Warwickshire Clinical Commissioning Group

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Wycliffe House Water Lane Wilmslow Cheshire

SK9 5AF

Enquiry Line: 01625 545700

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

## Control of Patient Information Regulations 2002 (COPI Notice)

The Secretary of State for Health and Social Care has issued NHS Digital with a Notice under Regulation 3(4) of the National Health [Service \(Control of Patient Information Regulations\) 2002 \(COPI\)](#) to require NHS organisations to share confidential patient information with organisations entitled to process this under COPI for COVID-19 purposes. The CCG maintain a record of instances where data has been shared under this notice.

The COPI Notice has been extended until 30<sup>th</sup> June 2021.

## Opt-out and Medical Records Held at Your GP practice

You can tell your GP practice if you do not want your confidential patient information held in your GP medical record to be used for purposes other than your individual care. This opt-out request can only be recorded by your GP surgery.

## National Data Opt-Out Programme

### Data Retention and Data Erasure

### Complaints

The CCG 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. We would also welcome any suggestions for improving our procedures. [Contact details](#) for complaints to either ourselves or the ICO can [be found on this website](#).

## Details of information collected and used for specific purposes

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes and rationale for why we collect and process information. For each purpose we have provided information for you on the purpose, including benefits to you as a patient; the type of information used (see definition above); the legal basis identified for the collection and use of information; how we collect and use the information required; data processing activities – listing any third parties we may use for each purpose and information on how to opt-out of your information being used for each purpose.

- [Complaints](#)
- [Funding Treatments](#)
- [Clinical Assessment and Placement Team](#)
- [Safeguarding](#)
- [Risk Stratification](#)
- [Patient and Public Involvement](#)
- [Commissioning](#)
- [National Registries](#)
- [Research](#)
- [Serious Incident Reports](#)
- [Clinical Audit](#)

## Fair Processing Notice in Accessible Formats

# Further Definitions and Terms used in Fair Processing Notice

## General Data Protection Regulation

The General Data Protection Regulation regulates the processing of information relating to living individuals, including the collecting, holding, use, and sharing (disclosure) of such information. NHS Coventry and Rugby CCG as a Data Controller is required to ensure the principles of the GDPR are adhered to ensuring we are legally compliant in the way we collect and use your information.

## Data Controller

A person (individual or organisation) who determines the purposes for which and the manner in which your identifiable information will be collected and used. Data Controllers must ensure that any collection and use of identifiable information complies with the principles of the General Data Protection Regulation. For health and social care organisations, the Data Controller will be the organisation holding your information. Providing a complete, factually correct and easy to read Fair Processing Notice is just one of the requirements of a Data Controller. Coventry and Warwickshire CCG is the Data Controller unless otherwise stated in this Fair Processing Notice.

## Data Processor

# NHS Coventry and Warwickshire Clinical Commissioning Group

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Any person (other than an employee of the Data Controller) who process the data on behalf of the Data Controller. Data Processors are not directly subject to the General Data Protection Regulation but the Information Commissioner, who is statutorily responsible for ensuring organisations comply with the Regulation, recommends that organisations should choose data processors carefully and have in place effective means of monitoring, reviewing and auditing their processing with a written contract in place. Please see [our sharing information page](#) for further information about the controls we ensure are in place before making agreements with any data processors and a list of data processors contracted by NHS Coventry and Warwickshire CCG in our capacity as Data Controller. There is further information detailing the use of data processors in the section informing you of the details of [information collected and used for specific purposes](#).

## Consent

Consent describes the informed agreement for something to happen after consideration by you. For consent to be legally valid, you must be informed, must have the capacity to make the decision in question and must give consent voluntarily. In the context of consent to share information, this means you should know and understand how your information is to be used and shared (there should be 'no surprises') and you should understand the implications of your decision, particular where your refusal to allow information to be shared is likely to affect the care you receive. This applies to both explicit and implicit consent.

## Explicit Consent

Explicit consent is unmistakable. It can be given in writing or verbally, or conveyed through another form of communication such as signing. You may have the capacity to give consent, but may not be able to write or speak. Explicit consent is required when sharing information with staff who are not part of the team caring for you. It may also be required for a use other than for which the information was originally collected, or when sharing is not related to your direct health and social care.

## Implied Consent

Implied consent is applicable only within the context of direct care of individuals. It refers to instances where your consent can be implied without having to make any positive action, such as giving your verbal agreement for a specific aspect of sharing information to proceed. Examples of the use of implied consent would include where a referral is being made by a GP to a community or hospital service we would consider your consent as implied when discussing the referral with you, another example would be within the hospital setting where there are ward handovers, the consent to share your identifiable in this situation is required for your care and you would not expect to be asked to provide explicit consent at each ward handover.

## Confidentiality

Within the NHS and in social care organisations the term Personal Confidential Data is used to describe identifiable information which you have provided in confidence, for example, in discussion with your GP or hospital specialist. This information should be kept private or secure. For the purposes of this Fair Processing Notice 'identifiable information' includes the General Data Protection Regulation definition of personal data, but it is adapted to include dead as well as living people and 'confidential' includes both information 'given in confidence' and 'that which is owed a duty of confidence' and is adapted to include 'sensitive information' as defined in the General Data Protection Regulation.

## Caldicott Guardian

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 which was mandated for the NHS in 1999.

## Data Protection Officer (DPO)

## Data Security and Protection Toolkit

An online system which allows NHS and social care organisations to assess themselves or be assessed against Information Governance policies and standards. It also allows members of the public to view [participating organisations' Toolkit assessments](#).

## Information Governance

The set of multi-disciplinary structure, policies, procedures, processes and controls implemented to manage information at a senior level, supporting an organisation's immediate and future regulatory, legal, risk, environmental and operational requirements.

# Sharing Information collected and used for specific purposes

In 2012 a new Health and Social Care Act was introduced which ensures that all health and social organisations involved in your care are working collaboratively to ensure you receive the best possible care with the services available through different organisations. To achieve this we are required to ensure that where you are receiving services from different health and social care organisations the relevant information is shared, securely and in a timely fashion.

Information Sharing Agreements and contracts will be in place ensuring these arrangements meet both the requirements of the Health and Social Care Act 2012 and the General Data

# NHS Coventry and Warwickshire Clinical Commissioning Group

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Protection Regulation ensuring that your confidentiality and rights are not breached. The CCG is actively working with health and social care partners to ensure that where you receive a referral, for example for community services, the relevant information that service require to offer you a full service is available. We are also working with the hospitals who provide services to our population to ensure that if you find yourself in an emergency situation, relevant and potentially life-saving information from your GP record will be available showing any latest tests and any allergies you may suffer from which the hospital clinicians will need to know. Details of the Information Sharing Agreements we have entered into can be obtained from us using our [contact us](#).

Whenever a new arrangement to share information externally, both with health and social care organisations and with third party suppliers, we will ensure that a legal basis has been identified using a tool called a Data Protection Impact Assessment which will highlight any risks to your information which will ensure are resolved before any sharing takes place.

## Sharing information - with external third party suppliers

We will also, in the course of our business, engage with third party suppliers who will process your information on our behalf. The CCG will work with these partner organisations to ensure that appropriate Data Processing and contracts are in place setting out the security standards and legal obligations required to be met to protect your information. Only the minimum information necessary for the purpose will be shared and only where pseudonymised / anonymised data cannot be used. Further information regarding the external organisations we work with can be found in the section detailing [information collected and used for specific purposes](#).

Whenever a new arrangement to share information externally, both with health and social care organisations and with third party suppliers, we will ensure that a legal basis has been identified using a tool called a Data Protection Impact Assessment which will highlight any risks to your information which will ensure are resolved before any sharing takes place.

## Details of information collected and used for specific purposes

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes and rationale for why we collect and process information. For each purpose we have provided information for you on the purpose, including benefits to you as a patient; the type of information used; the legal basis identified for the collection and use of information; how we collect and use the information required; data processing activities –

# NHS Coventry and Warwickshire Clinical Commissioning Group

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listing any third parties we may use for each purpose and information on how to opt out of your information being used for each purpose.

- Complaints
- Funding Treatments
- Continuing Healthcare
- Safeguarding
- Risk Stratification
- Patient and Public Involvement
- Commissioning
- National Registries
- Research
- Serious Incident Reports
- Clinical audit

## Complaints

A complaint may relate to a service which the CCG is directly responsible for providing or it may relate to a service which we have commissioned for the patients who we are responsible for, for example, hospital services. The CCG require this information in order to manage and help to resolve complaints which is then used to prevent such complaints arising in future.

### **Type of Information Used**

Identifiable

### **Legal Basis**

Explicit consent

### **How We Collect and Use Information in relation to Complaints**

When the CCG receive a complaint from a person, we make up a file containing the details of the complaint which will normally contain the identity of the complainant and any other individuals involved.

The CCG will only use the identifiable information we collect to process the complaint and to check the level of service we provide.

The CCG 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

# NHS Coventry and Warwickshire Clinical Commissioning Group

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The CCG will publish service user stories, following upheld complaints, anonymously via our governing body. The service user stories will provide a summary of the concern, service improvements identified and how well the complaints procedure has been applied. Consent will always be sought from the service user and carer or both before we publish the service user story.

## **Data Processing Activities**

NHS Coventry and Warwickshire deals with complaints so your information may be shared across the organisation in order to investigate your complaint. If your complaint concerns a healthcare provider or another organisation, we will ask for your consent before passing on your complaint.

## **Opt out details**

If you do not want information identifying you to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

## **Funding Treatments**

To fund specific treatment for you for a particular condition that is not covered in our contracts. This may be called an 'Individual Funding Request (IFR)' which provides you with the payments required to receive specialist treatment.

## **Type of Information Used**

Identifiable – to make payments

Anonymous – to provide reports for analysis of payments made

## **Legal Basis**

Explicit Consent to use identifiable information to make payments

## **How We Collect and Use Information in relation to Funding Treatments**

Information required to make payments in relation to Funding Treatments is provided by you, along with relevant information from primary and secondary care with regard to the referral for specialist treatment.

## **Data Processing Activities**

NHS Coventry and Warwickshire CCG has an Individual Funding Requests Function so your information may be shared across the organisation in order to process your request.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## **Opt out details**

Payments will not be able to be made if you choose not to provide identifiable information. Alternative arrangements will need to be considered.

## **Clinical Assessment and Placement Team**

This includes all Clinical Assessments, for example, Continuing Healthcare, Mental Health and Section 117. We undertake assessments for core services, packages of care or placements including respite care. We use your information in order to be able to make the appropriate arrangements for resulting care packages.

## **Type of Information Used**

Identifiable

## **Legal Basis**

Explicit Consent

## **How We Collect and Use Information in relation to Continuing Healthcare**

The CAPT team will collect, use, share and securely store information from / with the Local Authority (Social Services) and other organisations or individuals that are either directly or indirectly involved in the assessment, decision making process, the arranging of care, the funding and payment of care and appropriate monitoring of and audit of the safety and quality of care.

## **Data Processing Activities**

The CCG shares information with Local Authority, (Social Services) and other organisations or individuals that are either directly or indirectly involved in the assessment, decision making process, the arranging of care, the funding and payment of care and appropriate monitoring and audit of the safety and quality of care.

## **Opt out details**

Any Assessment will not be able to be carried out if you choose not to provide identifiable information. Alternative arrangements will need to be considered.

## **Safeguarding**

To assess and evaluate any safeguarding concerns to ensure all patients / service users are effectively protected

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## **Type of Information Used**

Identifiable

## **Legal Basis**

Legal requirement to use and share information relating to Safeguarding concerns with Safeguarding Boards and Multi-Agency Safeguarding Hubs where all members sign confidentiality agreements.

## **How We Collect and Use Information in relation to Safeguarding**

The CCG may receive information relating to Safeguarding concerns from yourself directly or relatives or through notification of concerns from other Health and Social Care organisations. All Health and Social Care professionals have a legal requirement to share information with appropriate agencies where Safeguarding concerns about children or adults have been received. Where it is appropriate to do so the sharing organisations will keep you informed of when information is required to be shared to provide with assurance regarding the security of that sharing and the benefit to you or the person you are raising Safeguarding concerns about. Access to this information is strictly controlled and where there is a requirement to share information e.g. with police or social services, all information will be transferred safely and securely ensuring that only those with a requirement to know of any concerns are appropriately informed.

## **Data Processing Activities**

We will collect and process identifiable information where we have a statutory obligation to assess and evaluate any safeguarding concerns.

## **Opt out details**

We have a legal requirement to provide information where there are Safeguarding concerns due to public interest issues, e.g. to protect the safety and welfare of vulnerable children and adults.

## **Risk Stratification**

Risk stratification is a process for identifying and caring for patients with long term health conditions and patients who are at high risk of emergency hospital admission. NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions, such as chronic obstructive pulmonary disease (COPD) and diabetes, to help prevent hospital admissions that could have been avoided. As well as helping GP Practices to provide Direct Care support, risk stratification is used by the CCG to support planning and commissioning, for example, understanding the

# NHS Coventry and Warwickshire Clinical Commissioning Group

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numbers of patients in the region who require services to support COPD will enable us to commission the right services to better manage periods of ill health and to improve the quality of the services we are able to offer you.

## **Type of Information Used**

Different types of data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from GP Practices and NHS Digital to a Risk Stratification supplier (see below, Data Processing Activities)

Aggregated – the CCG can only receive this information in format which cannot identify you.

Pseudonymised – GPs are provided with pseudonymised data for risk stratification planning purposes, however, where a direct care impact is identified on a patient through the process the GP will be able to re-identify the patient concerned.

## **Legal Basis**

The use of identifiable data for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority (known as Section 251 approval). Further information on Section 251 can be obtained by [clicking here](#). The reference number for the risk stratification approval is [CAG7-04\(a\)/2013](#). This approval allows your GP or staff within your GP Practice who are responsible for providing your care, to see information that identifies you, but the CCG staff will only be able to see information in a format that does not reveal your identity.

## **How We Collect and Use Information in relation to Risk Stratification**

Risk stratification tools use a mix of historic information about patients such as age, gender, diagnoses and patterns of hospital attendance and admission as well as data collected in GP practices.

NHS Digital provides information, identifiable by your NHS Number only, about hospital attendances. GP Practices provide information from GP records also identifiable by your NHS Number only. Both sets of information are sent via secure transfer to the risk stratification system where they are immediately pseudonymised and linked to each other. The risk stratification system uses a formula to analyse the pseudonymised data to produce a risk score. These risk scores are available to the GP practice you are registered with where authorised staff who are responsible for providing direct care for you are able to see these scores in a format that identifies you. This will help the clinical team make better decisions about your future care, for example you may be invited in for a review or if they

# NHS Coventry and Warwickshire Clinical Commissioning Group

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think you may benefit from a referral to a new service they will discuss this with you. The CCG is provided with reports containing aggregate information, which do not identify you, to ensure we are commissioning and planning for these services as required by the population we serve.

## Data Processing Activities

On behalf of its GP Practices, the CCG has entered into a contract with NHS Arden and GEM CSU as their Risk Stratification Supplier to produce the analysis as above.

## Opt out details

The National Data Opt-Out applies.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Additional information is also available from the NHS England website: <https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

## Invoice Validation

Where we pay for care, particularly where different providers are caring for the same person, we may ask for evidence before paying, or we may commission a service where the payment is all or partly based on the providers ensuring the service user has a healthy outcome. We need to ensure that we are paying the right amount of money for the right services to the right people.

These invoices are validated within a special secure area known as a Controlled Environment for Finance (CEfF) to ensure that the right amount of money is paid, by the right organisation, for the treatment provided.

A small amount of information that could identify an individual is used within this secure area (such as NHS number or date of birth and postcode). The process followed ensures that only the minimum amount of information about individuals is used by a very limited number of people. The process is designed to protect confidentiality.

## Type of Information Used

Identifiable - within the Controlled Environment for Finance, for invoice validation.

Pseudonymised, anonymised or aggregated - within the CCG, for commissioning purposes such as financial planning, management and contract monitoring.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## Legal Basis

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables the Arden and GEM CSU CEfF (see below) to process identifiable information without consent for the purposes of invoice validation within a Controlled Environment for Finance – CAG 7-07(a)(b)(c)/2013.

## How We Collect and Use Information in relation to Invoice Validation

Organisations that provide treatment submit their invoices to the CCG for payment. The secure area (Controlled Environment for Finance, provided by AGEM CSU) receives additional information, including the NHS Number, or occasionally the date of birth and postcode, from the organisation that provided treatment.

NHS Digital sends information into the secure area, including the NHS number and details of the treatment received. The information is then validated ensuring that any discrepancies are investigated and resolved between the Controlled Environment for Finance and the organisation that submitted the invoices. The invoices will be paid when the validation is completed.

The CCG does not receive any identifiable information for purposes of Invoice Validation however they will receive reports to help us manage our finances.

## Data Processing Activities

The CCG uses the services of the Arden and GEM CSU Controlled Environment for Finance and has a contract in place with them. Only authorised staff are able to access this information.

## Opt out details

The National Data Opt-Out applies.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Additional information is also available from the NHS England website: <https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/>

## Patient and Public Involvement

If you have asked us to keep you regularly informed and up to date about the work of the CCG or if you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and use information which you share with us. Where you

# NHS Coventry and Warwickshire Clinical Commissioning Group

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submit your details to us for involvement purposes, we will only use your information for this purpose.

## **Type of Information Used**

Identifiable

## **Legal Basis**

Explicit Consent

## **How We Collect and Use Information in relation to Patient and Public Involvement**

We will be collecting and using your information to enable us to keep you informed of any news, consultation activities or patient participant groups.

## **Data Processing Activities**

The CCG shares information with NHS Arden and Greater East Midlands Commissioning Support Unit who process the information on our behalf.

## **Opt out details**

You can opt out at any time by [contacting us](#).

## **Commissioning**

Hospitals and community setting organisation that provide NHS-funded care must by law submit certain information to NHS Digital about services provided to you and the population we serve. This information is known as commissioning datasets. The CCG obtains these datasets from NHS Digital which relate to patients registered with our GP practices. This enables us to plan, design, purchase and pay for the best possible care available for you.

## **Type of Information Used**

Different types of commissioning data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from Primary and Secondary Care Services to NHS Digital

Aggregated – the CCG can only receive this information in aggregated format which does not identify individuals.

## **Legal Basis**

Fair Processing Notice

# NHS Coventry and Warwickshire Clinical Commissioning Group

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The Health and Social Care Act 2012 enables NHS Digital to provide the CCG with pseudonymised information about any attendance that you have made with NHS healthcare providers.

## **How We Collect and Use Information in relation to Commissioning**

The datasets we receive from NHS Digital have been linked and are in a format that does not directly identify you. 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.

We also receive similar information from the GP Practices within our CCG membership that also does not identify you.

We use these datasets for a number of purposes such as:

- Performance managing contracts (the CCG only receive this information in aggregated format which does not identify individuals). In terms of commissioning datasets, there are 3 main activity types and these cover, Outpatients, Admitted patients, Accident and Emergency attendances which is received in pseudonymised form;
- Reviewing the care delivered by providers to ensure service users are receiving quality and cost-effective care;
- To prepare statistics on NHS performance to understand health needs and support service re-design, modernisation and improvement;
- To help us plan future services to ensure they continue to meet our local population needs;
- To reconcile claims for payments for services received in your GP Practice;
- To audit NHS accounts and services;

## **Data Processing Activities**

The CCG has engaged the services of NHS Arden and Greater East Midlands Commissioning Support Unit (CSU) to support us in processing and analyse the commissioning data within our region. Some of the CCG's own staff and a limited number of staff from the CSU will undertake these data processing activities and will be given access to pseudonymised information (that does not reveal your 'real world identity') on behalf of the CCG. The CCG will then be provided with reports to help us with our responsibilities as listed above.

The CCG has engaged the services of AGEM CSU for CCG registered patients who access acute health providers outside of the region (Our acute providers are: UHCW, GEH and SWFT).

# NHS Coventry and Warwickshire Clinical Commissioning Group

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Some of the CCG's own staff and a limited number of staff from the CSU will undertake these data processing activities and will be given access to pseudonymised information (that does not reveal your 'real world identity') on behalf of the CCG. The CCG will then be provided with reports to help us with our responsibilities as listed above.

## **Opt out details**

The National Data Opt-Out applies.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

The specific terms and conditions and security controls that we are obliged to follow when using those commissioning datasets can also be found on [NHS Digital website](#).

More information about how this data is collected and used by NHS Digital is available on their [website](#).

## **National Registries**

National Registries are used in the NHS to provide support to particular groups of patients to ensure they are receiving the care and support they require, for example, the Learning Disabilities Register. NHS Digital are responsible for the information collected and used in the Registers who will ensure your information is kept securely and confidentially.

## **Type of Information Used**

Identifiable and pseudonymised – dependant on purpose.

## **Legal Basis**

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables NHS Digital to process identifiable information without consent for the purposes of approved National Registries.

## **How We Collect and Use Information in relation to National Registries**

The GP Practices within our CCG membership provide this information to NHS Digital using a secure transfer method.

## **Data Processing Activities**

The CCG shares information with NHS Arden and Greater East Midlands Commissioning Support Unit who process the information on our behalf.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## **Opt out details**

The National Data Opt-Out applies.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **Research**

Research can provide direct benefit to patients who take part in medical trials and indirect benefits to the population as a whole.

Your information can be used to identify people to invite them to take part in clinical trials, other interventional studies or studies purely using information from medical records.

## **Type of Information Used**

Identifiable and anonymised – dependant on the purpose.

## **Legal Basis**

Where identifiable information is being used your explicit consent will be gained. Where gaining consent from all patients is not appropriate, e.g. for large-scale, nationwide projects, a Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority is required. The approval ensures that the appropriate security processes are in place to protect your information and ensuring only the minimum information is used for the purpose specified. Research activities using anonymised information does not require your consent.

## **How We Collect and Use Information in relation to Research**

Where identifiable information is needed for research, you will be approached by the organisation where the treatment was received, to see if you wish to participate in the particular research study. You will be provided with information about the research and the way in which your identifiable information will be used and kept safe and secure before being asked to provide explicit consent to take part. Where a Section 251 approval has been granted you will be informed of the project and will be able to make a decision as to whether you wish to opt out. Information related to research projects will be kept safe and secure with access limited to authorised research team members only.

## **Data Processing Activities**

The CCG Is not currently engaged in any research activity.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## **Opt out details**

Where consent is required to take part in a research project you will also be provided with details by the organisation holding your records on how to opt out at any time.

Where s251 approval has been granted you can request that your identifiable information is not included. The Register of current s251 approval across England and Wales can be found here:

The organisation holding your records will provide notices on their premises and websites about any research projects being undertaken which will provide opt out details.

Your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **Serious Incidents Report**

The CCG collects and uses information from Serious Incident Reports from Primary and Secondary Care Providers to ensure incidents are dealt with appropriately with lessons learnt.

## **Type of Information Used**

Identifiable

## **Legal Basis**

Explicit consent

## **How We Collect and Use Information in relation to Serious Incident Reports**

We are statutorily required to fully investigate and review incidents. Where there is a requirement to provide incident reports externally the information will be anonymised unless there is a legal requirement to provide your details. You will be kept informed of the requirements we are required to meet and asked for consent where information is to be shared externally.

## **Data Processing Activities**

The CCG shares information with NHS Arden and Greater East Midlands Commissioning Support Unit who process the information on our behalf.

## **Opt out details**

# NHS Coventry and Warwickshire Clinical Commissioning Group

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If you do not want information identifying you to be disclosed, we will try to respect that. However, it may not be possible to fully investigate serious incidents on an anonymous basis. If the incident involved a breach of law or regulations, there may be a legal duty to provide identifiable information. You will be fully informed of this throughout the process.

## Clinical Audit

Effective clinical audit can provide direct benefit to you as a patient and to the population the CCG serves to ensure that the services we plan and commission offer high quality and effective care.

### Type of Information Used

Identifiable – where clinical audit is undertaken by the GP practice who you are registered with. The GPs and clinicians involved in your Direct Care are said to have a ‘legitimate relationship’ with you and any outcomes will directly improve patient’s health and wellbeing.

Anonymous – where clinical audit is being undertaken by GPs and health professionals with whom you do not have a ‘legitimate relationship’ with.

### Legal Basis

For clinical audit undertaken by the GPs and clinicians directly involved in your care we will rely on implied consent to collect and use your information where the outcomes cannot be achieved using anonymous information.

Where clinical audit is undertaken by GPs and health professionals with whom you do not have a ‘legitimate relationship’ with your explicit consent will be required where identifiable information is being used or another statutory basis identified.

Using anonymous data for the purposes of clinical audit does not require a legal basis.

### How We Collect and Use Information in relation to clinical audits.

Information required for clinical audit will be collected from your records held by the organisation where you have received treatment. Authorised healthcare professionals will review the records held ensuring that only the minimum information required for the purpose is used. Where consent is required to use identifiable information, you will be contacted by the organisation who has provided your treatment.

### Data Processing Activities

The CCG shares information with NHS Arden and Greater East Midlands Commissioning Support Unit who process the information on our behalf.

# NHS Coventry and Warwickshire Clinical Commissioning Group

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## **Opt out details**

Where you have provided explicit consent to take part in a clinical audit you can opt out at any time by contacting the organisation who provided your treatment.

Your GP practice can apply a code which will stop your identifiable information being used for this purpose.

## **Special Allocations Scheme**

### **Type of Information Used**

Identifiable - Information that would enable the patient to be allocated to a Special Allocation Scheme GP Practice provider (this would include Patient Name, Address and NHS Number).

### **Legal Basis**

Contract

### **How We Collect and Use Information in relation to the Special Allocations Scheme**

Where patients are referred onto the Special Allocation Scheme, the CCG collects information about those patients from Primary Care Services England (PCSE). It also uses and shares this information with the Special Allocation Scheme GP Practice provider(s) and in the case of a patient appealing their placement on the Special Allocation Scheme, with the referring GP Practice.

### **Data Processing Activities**

A Special Allocation Scheme Panel has been set up to review the patients on the scheme. The panel reviews patients across the Coventry and Warwickshire area.

## **Opt out details**

Patients are unable to opt out from the Special Allocation Scheme. Patients will be unable to access GP services if they choose not to engage with the GP Practice they have been allocated to.

## **Data Processors**

Below are details of our data processors and the function that they carry out on our behalf:

- Arden&GEM CSU – Risk Stratification, Invoice Validation, Commissioning Intelligence analysis, HR
- Iron Mountain – Archiving of Records

# NHS Coventry and Warwickshire Clinical Commissioning Group

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- 360 Assurance – Internal Audit related purposes
- NHSLA – Claims Management
- Shared Business Service – Staff Payroll
- Warwickshire Multi-Agency Safeguarding Hub - a partnership between Warwickshire County Council, Warwickshire Police, National Health Service (NHS) and other key partner agencies working together to safeguard children, young people and adults.

## How we keep your information secure

All information that we hold about you will be held securely and confidentially. We use administrative and technical controls to do this. We use strict controls to ensure that access to information is restricted and only authorised staff are able to see information that identifies you. Only a limited number of authorised staff have access to information that identifies you where it is appropriate to their role and is strictly on a need-to-know basis.

All of our staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.

We will only use the minimum amount of information necessary about you.

## Overseas Transfers

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

## Review and Changes to our Fair Processing/Privacy Notice

We will keep our Fair Processing/Privacy Notice (FPN) under regular review. This FPN was updated in **April 2021, Version 1**.

## Further information

Further information about the way in which the NHS uses personal confidential data and your rights in that respect can be found via the following links:

- Data Protection Act 2018
- General Data Protection Regulations

# NHS Coventry and Warwickshire Clinical Commissioning Group

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- NHS Confidentiality Code of Practice
- NHS Digital Guide to confidentiality in health and social care
- Health Research Authority
- NHS England
- The NHS Constitution is founded on a common set of principles and values that bind together the communities and people it serves – patients and public – and the staff who work for it. The NHS Constitution establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities, which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.
- The NHS Care Record Guarantee sets out the rules that govern how patient information is used in the NHS and what control the patient has over this. It covers people's access to their own records; controls on others access; how access will be monitored and policed; options people have to further limit access; access in an emergency; and what happens when someone cannot make decisions for themselves. Everyone who works for the NHS, or for organisations delivering services under contract to the NHS has to comply with this guarantee. The NHS Care Record Guarantee was first published in 2005 and is regularly reviewed by the National Information Governance Board to ensure it remains clear and continues to reflect the law and best practice. It was last reviewed in January 2011. An independent review of information about service users is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, Information: To share or not to share?
- **The Information Governance Review**, be found at:  
<https://www.gov.uk/government/publications/the-information-governance-review>
- **The NHS Commissioning Board – NHS England – Better Data, Informed Commissioning, Driving Improved Outcomes: Clinical Data Sets** provides further information about the data flowing within the NHS to support commissioning  
<http://www.england.nhs.uk/wp-content/uploads/2012/12/clinical-datasets.pdf>
- Please visit NHS Digital's website for further information about their work. Information about their responsibility for collecting data from across the health  
<https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections>
- **The Information Commissioner's Office** is the Regulator of Data Protection Legislation and offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the Information Commissioner's Office website at  
<http://www.ico.org.uk>.
- **The Health Research Authority (HRA)** has been established to promote and protect the interests of patients, streamline regulation and promote transparency in health and social care research. <http://www.hra.nhs.uk>.