How we use your information
Fair Processing / Privacy Notice

1. How we use your information

The purpose of this notice is to inform you of the type of information (including personal information) that NHS Doncaster Clinical Commissioning Group holds, how that information is used, who we may share that information with, and how we keep it secure and confidential.

2. Who we are and what we do

Who we are: As a clinically-led statutory NHS body, we are responsible for planning and commissioning health care services for our local area to achieve the best possible health outcomes for our local population, and in doing so acting effectively, efficiently and economically. We do this by assessing local needs, agreeing priorities and strategies, and then commissioning services on behalf of our population from a range of providers whilst constantly responding to changing local needs.

What we do: The types of local healthcare services which we commission include:
- Planned hospital care including outpatient appointments and elective hospital admissions
- Unplanned care (urgent care) including A&E, ambulance and out of hours services
- Rehabilitation care
- Community health services
- Mental health and learning disability services
- Continuing Healthcare / Individual Placements
- General Practice care (this responsibility is delegated to us from NHS England)

For further information, please refer to the “About Us” page on our website http://www.doncasterccg.nhs.uk/about-us/

3. What information do we collect about you and how do we use it?

Our key principles: For the majority of our work, we do not need to know individually who lives in our community or accesses the services which we commission, and this is our preferred way of working. There are some specific areas, however, where because of our responsibilities, we do hold and use data that could or does identify you. For information that may identify you (known as personal confidential data) we only hold and use it in accordance with the:
- Data Protection Act 1998 / General Data Protection Regulation – which requires us to have a legal basis if we wish to process any personal information.
- NHS Care Record Guarantee – which sets out high level commitments for protecting and safeguarding your information, particularly in regard to your
rights to access your information, how information will be shared, how decisions on sharing information will be made and investigating and managing inappropriate access (audit trails).

- **NHS Constitution for England** – which states that you have the right to privacy and confidentiality and to expect the NHS to keep your confidential information safe and secure.

- We must also honour any duty of confidence attached to information and apply Common Law Duty of Confidentiality requirements. This will mean where a legal basis does not exist to use your personal or confidential information we will not do so. You may wish to refer to the [NHS Digital Guide to Confidentiality](#) for further information on confidentiality.

**Under what circumstances we process your information:** We only collect and process the minimum necessary amount of information about you. In order to process that information we will have met a legal requirement; in general this is where we have complied with one of the following:

- The information is necessary for direct healthcare for patients.
- We have received your consent to be able to use your information for a specific purpose or purposes.
- There is an over-riding public interest in using the information e.g. in order to safeguard an individual, or another individual, or to prevent a serious crime.
- There is a legal requirement that will allow us to use or to provide the information e.g. a formal Court Order.
- For the health and safety of others e.g. to report a notifiable infectious disease.
- We have special permission for health and research purposes (granted by the Health Research Authority).
- We have special permission called a “Section 251” (Section 60 of the Health and Social Care Act 2001 as re-enacted by Section 251 of the NHS Act 2006) which allows the Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes.

Where one of the above legal requirements has not been met, we will only use:

- Anonymised information – information from which no individual can be identified.
- Pseudonymised information – where identifying fields are removed from within an information set and replaced with an artificial identifier, or “pseudonym” - for example a name replaced with a unique number. Pseudonymised information can be made re-identifiable but only to designated staff with appropriate access rights who hold the “key” to “unlock” the pseudonymised information. This means that you would not be able to be identified by the CCG from that information.

**Data Controller responsibilities:** NHS Doncaster CCG is a Data Controller under the terms of the Data Protection Act 1998 and we are legally responsible for ensuring that all personal information that we process (i.e. hold, obtain, record, use or share) about you is in compliance with the eight data protection principles. As a Data Controller, we only process your information for the lawful purposes of administering the business of NHS Doncaster CCG. These lawful purposes include:
• Commissioning health services for our patients. This includes seeking to understand the types of illnesses which people have now or may have in the future so that we can work with local healthcare services to make sure that patient needs are met. It also includes evaluating and reviewing the services and care we commission to ensure it is of the highest standard, checking both quality and efficiency.
• Maintaining our accounts and records. This includes monitoring how we spend public money including accounting, auditing and fraud prevention.
• Promoting our services.
• Undertaking research. This includes preparing statistics on NHS performance.
• Supporting and managing our employees.

**Types of personal information we may hold and process:** In accordance with this, we may collect and process your personal information for the following purposes:

<table>
<thead>
<tr>
<th>Investigations / Complaints / Enquiries</th>
<th>We will collect and process your personal information if it relates to a complaint, claim or other purpose where you have asked for our help or involvement, and to investigate important incidents. The individual who contacts you to progress your request for our help or involvement will gain your consent for us to collect and process your personal information – this will include your contact details, and may include further healthcare information including sensitive information which you disclose to help us to progress your complaint. All complaints information will be held securely and accessible only to the team dealing with your complaint. We usually have to disclose your identity to whoever a complaint or investigation is about. This is inevitable where, for example, the accuracy of a person’s record is in dispute. 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 / investigation on an anonymous basis.</th>
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<tbody>
<tr>
<td>Funding treatments</td>
<td>We will collect and process your personal information where we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts. This may be called an “Individual Funding Request” (IFR). 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 consent. If you wish to withhold your consent, we will respect that, however we may not be able to progress your IFR request for treatment.</td>
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**Continuing Healthcare (CHC)**

We will collect and process your personal information where you have asked us to undertake assessments for Continuing Healthcare and commission resulting care packages.

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 consent. If you wish to withhold your consent, we will respect that, however we may not be able to progress with your CHC assessment.

**Children's Continuing Healthcare**

We collect and process personal information where consent has been given for us to undertake assessments for Continuing Healthcare.

The clinical professional who sees you first to discuss your needs will explain to you the information that they need to collect in order for us to assess your needs and commission your care and gain consent.

A child, aged 13 or over if competent and has capacity, or their parent or responsible guardian/carer can sign to consent for the processing of personal information for the purpose of continuing healthcare treatment.

If a child lacks capacity then the age of consent remains at 16 years old as determined by the Mental Capacity Act. A clinical professional may act in the child’s best interest if they lack capacity.

We will ask you what information you wish for us to share as part of your Decision Support Tool and we will also ask what information you do not want us to share.

We use the [Children and Young People Continuing Care National Framework](#) published on 22nd January 2016, which outlines ‘the procedures and practices for continuing healthcare for children up to their 18th Birthday, intended to provide guidance for CCG’s when assessing the needs of children and young people when complex needs cannot be met by universal or specialist health services’.
### Medicines Management

Some of our qualified team members provide medicines management support to General Practices as part of the wider primary care team. Qualified team members may access your general practice medical record within the general practice environment to respond to clinical queries arising from General Practices to help your GP to ensure appropriate, safe and effective use of medicines.

Your GP will have explained to you how they collect, process and share your information when you registered with them. If you have any concerns or wish to opt out, please contact your General Practice directly.

### Safeguarding

We will collect and process your personal information where we need to assess and evaluate any safeguarding children or vulnerable adults concerns. It is not always possible to obtain explicit consent for safeguarding, and where this is not possible we may process personal information through a statutory route in which consent is not required.

### 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 process personal information which you share with us.

Where you submit your details to us for involvement purposes, we will only use your information for this purpose. You can opt out at any time by contacting us using our contact details at the end of this document.
**Commissioning**

We need to ensure that healthcare services are planned to meet patients' needs in the future and to review the care given to make sure it is of the highest possible standard. To do this, we use information collected by [NHS Digital](https://www.digital.nhs.uk) and from other places where you receive care such as hospitals, community services and General Practices. This information is known as [Secondary Uses Service](https://www.digital.nhs.uk/our-work/secondary-uses-service) data (SUS data) and includes information about the patients who have received care and treatment from those services that we are responsible for commissioning / funding – it is the single, comprehensive repository for healthcare data in England which enables a range of reporting and analyses to support the NHS in the delivery of healthcare services.

We have a signed Data Sharing Agreement with NHS Digital for them to provide us with pseudonymised information. We use this information to:

- Support the commissioning of healthcare for the NHS Doncaster CCG population.
- Undertake capacity planning.
- Monitor the delivery of quality, innovation, productivity and prevention schemes
- Identify local health and social care priorities
- Monitor the delivery of local priorities
- Monitor the delivery of national priorities
- Support service redesign and system transformation
- Support the Better Care Fund, a national initiative designed to improve joint commissioning between health and social care commissioners

SUS data is shared through NHS Digital’s [Data Services for Commissioners Regional Offices (DSCRO)](https://www.digital.nhs.uk/about-us/dsco), which for Doncaster is the [North of England Commissioning Support (NECS)](https://www.digital.nhs.uk/about-us/necs). All information for commissioning received through this service is stored securely within the CCG and accessible only to authorised team members, and remains pseudonymised.

**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 design a service where the payment is all or partly based on the providers ensuring the service user has a healthy outcome. In such instances, we will collect and process your personal information to ensure that money is used properly to pay for the services we commission.

NHS Doncaster CCG is an accredited [Controlled Environment for Finance (CEfF)](https://www.digital.nhs.uk/about-us/ceff) under a Section 251 exemption which enables us to process patient identifiable information without
consent for the purposes of invoice validation – CAG 7-07(a)(b)(c)/2013. We have a signed Controlled Environment for Finance assurance statement which we have submitted to NHS England.

The identifier which we use for invoice validation is your NHS Number.

All invoices received through this service are stored securely within our Controlled Environment for Finance internally within the organisation and are accessible only to authorised team members.

**Integrated Doncaster Care Record (iDCR)**

The Integrated Doncaster Care Record (iDCR) is a partnership supported by NHS Doncaster Clinical Commissioning Group, GPs within the Doncaster Community, Rotherham Doncaster and South Humber NHS Foundation Trust, Doncaster and Bassetlaw Teaching Hospital Trust, Doncaster Metropolitan Borough Council and Fylde Coast Medical Services (a not for profit Urgent Care Service).

All partners are signatories to the Doncaster Care Record Sharing Agreement which provides partner agencies with a robust foundation for the lawful, secure and confidential sharing of personal information between themselves and other public, private or voluntary sector organisations that they work with.

Each partner has a legal duty to protect your personal information and will remain sole data controller of its own data. We all take confidentiality very seriously and are committed to ensuring all personal information within the iDCR is managed in accordance with the relevant legalisation to ensure your information is safe, secure and confidential.

Your care record within the iDCR contains key information like:

- Personal details, such as your name, address, date of birth and next of kin
- Names of the health and care professionals looking after you
- Any medications you are taking
- Any allergies you have
- Any health concerns about you
- Previous referrals to services
- Dates and reasons for any occasions you have been admitted to hospital
- Appointments
- Any assessments you have had
- Care plans and care packages you have
The information which we may collect and process about you in relation to the above purposes may be held electronically, on paper, or a mixture of both. The records may include personal details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments; this may include relevant information which you have told us, or information provided on your behalf by relatives or those who care for you and know you well, or from health professionals and other staff directly involved in your care and treatment.

4. Sharing your information

**Why share?** NHS patients and social care service users may receive care and treatment from a number of different places. It can be necessary to link this information together to provide the full picture needed to support the activities listed above. In effect, sharing information enables the NHS to improve its understanding of the most important health needs and the quality of the treatment and care we provide to you.

**Anonymised information:** We work with a number of other NHS and partner agencies to commission healthcare services to you. We may share anonymised statistical information with them for the purpose of improving local services, for example understanding how health conditions spread across our local area compared against other areas.

**Our data processors:** We have entered into contracts with other organisations to provide some services to us, which includes processing data on our behalf (including patient information) and providing services to us. We ensure any external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed. At the moment our data processors are:
• **North of England Commissioning Support Unit (NECS)** as our Data Sharing for Commissioners Regional Office processing Secondary Uses Service data for commissioning purposes (see section 3 “commissioning” above)

- **Pi** is the supplier of the Care and Health system. Pi receive anonymised Secondary Uses Service data for secondary healthcare commissioned by Doncaster CCG and anonymised social care activity data from Doncaster Metropolitan Borough Council. Pi link this data and load it into the Care and Health system which has been jointly purchased by Doncaster CCG and Doncaster Council to support the integration of health and social care services in Doncaster. The Pi Care and Health system is used by several other health and social care communities in England.

**Auditing:** NHS Doncaster CCG is required by law to protect the public funds it administers. We may share information provided to us with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. The auditor appointed to audit the accounts of the CCG is also responsible for carrying out data matching exercises - **KPMG**. Our Internal Auditors are **360 Assurance**.

**Who might we share information with?** Where information sharing is necessary we are required to comply with all aspects of the Data Protection Act 2018. Within data protection requirements we may share information with:

- healthcare, welfare and social professionals
- social and welfare organisations
- central government
- local government
- business associates
- family, associates and representatives of the person whose personal data we are processing
- suppliers and service providers
- financial organisations
- current, past and prospective employers
- voluntary and charitable organisations
- legal representatives
- employment agencies and examining bodies
- educators and examining bodies
- survey and research organisations
- security organisations
- police forces
- persons making an enquiry or complaint

5. **Your right to withdraw consent for sharing of your personal data**

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.
If you do not want information that identifies you to be shared outside your GP practice, for purposes beyond your direct care you can register a type 1 opt-out with your GP practice. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a type 2 opt-out with your GP practice. There are different types or levels of opt-out available, and further information about these types are available from NHS Digital.

Please be aware that the CCG does not hold or commission the retention of identifiable historical data (such as a data warehouse) and therefore any opt-out will be applied to the data provided by NHS Digital and the Data Services for Commissioner’s Regional Office (DSCRO).

Please note that you may opt-out of your information being used for Risk Stratification however, where this could affect your direct care (through case management, where this data assists GPs to identify the care needs of their patients), and you should discuss this with your GP to be clear of the possible consequences.

You may at any time withdraw any consent you may have previously given to the CCG to process information about you. If you wish to withdraw your consent, or to speak to somebody to understand what impact this may have, please contact us at the address, telephone number or email address shown below.

NHS Doncaster CCG
Sovereign House
Heavens Walk
Doncaster
DN4 5HZ
Phone: 01302 566300
Website: [www.doncasterccg.nhs.uk](http://www.doncasterccg.nhs.uk)
Email: donccg.enquiries@nhs.net

There are certain limited circumstances where you cannot opt out of information sharing. These include:

- Where there is an over-riding public interest in using the information e.g. in order to safeguard an individual or to prevent a serious crime.
- Where there is a legal requirement that will allow us to use or to provide the information e.g. a formal Court Order.
- For the health and safety of others e.g. to report a notifiable infectious disease.

Under the General Data Protection Regulation / Data Protection Legislation you have a number of rights regarding your personal information. We will ensure your rights are respected. You have:
• The right to access – you can request copies of information that we hold about you. This is called a 'subject access request'.
• The right to be informed – you will be told about what we do with your information. This privacy notice is one example, as is our patient information leaflets, our website, newsletters and posters.
• The right to erasure – you have the right to be forgotten unless there is a legal retention period or medical need to keep your records.
• The right to rectification – you can request for any personal information that is inaccurate to be corrected or rectify any data that is incomplete.
• The right to object – you can object to how we process your information. This will be considered in relation to your particular situation and we will stop processing unless there is a legitimate reason for it to continue. (For example, we will not be able to stop processing your data to provide you with direct patient care as we need to provide you with safe care.)
• The right to restrict processing – we will temporarily restrict processing whilst we investigate, particularly when you query the accuracy of your data.

6. Retaining information

We will only retain information for as long as necessary. Records are maintained in line with the NHS Records Management Code of Practice which determines the length of time each type of record should be kept.

Where a record reaches the end of its retention period in accordance with the NHS Records Management Code of Practice, it will be securely destroyed – paper records through a secure shredding process, and electronic records through permanent deletion. Our Information Governance Policy available on our website gives further details.

7. Keeping information secure and confidential

We take our duty to protect your personal information and confidentiality seriously. We are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

The Caldicott Guardian (our Chief Nurse, Mr Andrew Russell – contact via email to andrew.russell4@nhs.net or via telephone 01302 566300) is the senior person in the CCG responsible for protecting the confidentiality of patient and service user information and enabling appropriate and lawful information sharing. There are specific processes which are followed to ensure the continuing security and confidentiality of personal information. The Senior Information Risk Owner (our Associate Director of Human Resources and Corporate Services – contact via email to lisa.devanney@nhs.net or via telephone 01302 566300) is accountable for the management of all information assets and any associated risks and incidents.

All of our staff receive appropriate and ongoing training to ensure that they are aware of their personal responsibilities and we have contractual obligations in place to uphold
confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and this on a strictly need-to-know basis.

All staff have contractual obligations of confidentiality under the NHS Confidentiality Code of Conduct, enforceable through disciplinary procedures. Everyone working for the NHS is subject to the common law duty of confidentiality. Information provided in confidence will only be used for the purposes advised and consented to by the service user, unless it is required or permitted by the law.

We take relevant organisational and technical measures to make sure that the information we hold is secure - such as holding information in secure locations, restricting access to information to authorised personnel, protecting personal and confidential information held on equipment such as laptops with encryption.

The Care Record Guarantee is the NHS 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. Everyone who works for the NHS or for organisations delivering services under contract to the NHS has to comply with this guarantee.

8. Access to the personal data which we hold about you – Subject Access Requests

Under the Data Protection Act, you have a legal right to apply for access to health information held about you, and this is called a “Subject Access Request”. You are able to either view or obtain copies of records about you which are held in either electronic or paper format. Please see our website for further information including a factsheet on “Access to Personal Data & Medical Records.

9. Contacts and complaints

If you have any questions or concerns regarding the information we hold on you or the use of your information, or you wish to make a complaint, please contact us at:

NHS Doncaster CCG
Sovereign House
Heavens Walk
Doncaster
DN4 5HZ

Phone: 01302 566300
Website: www.doncasterccg.nhs.uk
Email: donccg.enquiries@nhs.net

If you are making a complaint, the individual who contacts you to progress your complaint will gain your consent for us to collect and process your personal information – this will include your contact details, and may include further healthcare information including sensitive information which you disclose to help us to progress your
complaint. All complaints information will be held securely and accessible only to the 
team dealing with your complaint. Complaints data will be retained in accordance with 
the NHS Records Management Code of Practice – see section 6 above.

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

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 0303 123 1113  
Website: [https://ico.org.uk/](https://ico.org.uk/)

If you are not satisfied with the response you receive or believe we are processing 
your personal data not in accordance with the law you can complain to the Information 

The Data Protection Act 1998 requires organisations to lodge a notification with the 
Information Commissioner to describe the purposes for which they process personal 
information. These details are also publically available from the Information 
Commissioner’s Office as above.

NHS Doncaster CCG also has a Data Protection Officer who ensures the Trust is 
accountable and compliant with the General Data Protection Regulation / the Data 
Protection Act / Data Protection Bill 2018. You can contact the Data Protection Officer 
at:

Mrs Sue Meakin  
Information Governance Manager / Data Protection Officer  

Rotherham Doncaster and South Humber NHS Foundation Trust  
Woodfield House  
Tickhill Road Site  
Balby  
Doncaster  
DN4 8QN  

Email: rdash.ig@nhs.net  
Phone: 01302 796 189

10. Changes to our Fair Processing Notice

We keep our Privacy Notice under regular review and we will place any updates on our 
website [www.doncasterccg.nhs.uk](http://www.doncasterccg.nhs.uk).

Last updated: July 2018