

NHS Warrington Clinical Commissioning Group Privacy Notice

At NHS Warrington Clinical Commissioning Group, we are committed to protecting and respecting your privacy.

The Clinical Commissioning Group (CCG) has various roles and responsibilities, but a major part of our work involves making sure that:

- Contracts are in place with local health service providers
- Routine and emergency NHS services are available to patients
- Those services provide high quality care and value for money
- Service providers get paid for the care and treatment they have provided.

This is called “commissioning”.

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 within our budgets.

As a commissioning organisation, our purpose is not to provide direct care and so we do not routinely hold or receive information about patients and service users in relation to your care. We do however sometimes hold information from which people can be identified to enable us to fulfil our responsibilities as outlined above and this is explained in this notice.

[What is a Privacy Notice?](#)

The Privacy Notice explains how NHS Warrington CCG respects your rights with regards to data privacy and data protection when you communicate (online or offline) with us through our websites, programmes and events.

[What information do we collect?](#)

Find out what information NHS Warrington CCG collects about you, what types of personal data we handle and what we do with that information.

[Your Rights](#)

UK data protection laws give you several rights in relation to the information that NHS Warrington CCG holds about you.

SECTION 1: What is a Privacy Notice?

A privacy notice is a statement that describes how an organisation collects, uses, retains and discloses personal information. Different organisations sometimes use different terms and it can be referred to as a privacy statement, a fair processing notice or a privacy policy.

To ensure that we process your personal data fairly and lawfully we are required to inform you:

- Why we need your data
- How it will be used and
- Who it will be shared with

The law determines how organisations can use personal information. The key laws are:

The Data Protection Act 2018 (DPA18), the Human Rights Act 1998 (HRA), and the common law duty of confidentiality.

Within these pages we describe instances where NHS Warrington CCG is the “Data Controller”, for the purposes of the Data Protection Act 2018, and where we direct or commission the processing of patient data to help deliver better healthcare, or to assist the management of healthcare services.

NHS Warrington CCG recognises the importance of protecting personal and confidential information in all that we do, whilst taking great care to ensure our legal obligations are met.

Complaints about how we process your personal information

If you have a complaint about our privacy notice and how we deal with your information, in the first instance, you should contact:

The Corporate Affairs Team
NHS Warrington Clinical Commissioning Group
5th Floor, Old Market House
Hamilton Street
Birkenhead
Warrington
CH41 5AL

Telephone: 0151 541 5380 or Email: wiccg.intouch@nhs.net

If, however, you are not satisfied that your complaint has been resolved, you have the right to contact the Information Commissioner to lodge a complaint:

Information Commissioner’s Office
Wycliffe House
Water Lane,
Wilmslow SK9 5AF

Tel: 0303 123 1113

Website: ico.org.uk

Changes to our Privacy Notice

We keep our privacy notice under regular review and we will place any updates on this web page. This notice was last updated on 28/03/2019.

Data Protection Notification

NHS Warrington CCG is a 'data controller' under the Data Protection Act 2018 (DPA18). We have notified the Information Commissioner that we process personal data and the details are publicly available from the:

Information Commissioner's Office
Wycliffe House
Water Lane,
Wilmslow SK9 5AF
ico.org.uk

Registration number: Z3597206

How to contact us

Please contact us via our Data Protection Officer if you have any questions about our privacy notice or information we hold about you:

Nicholas Armstrong
Chief of Information, Technology & Estates
NHS Halton CCG & NHS Warrington CCG
T: 01925 843646
M: 07904046267
E: nicholas.armstrong@nhs.net

SECTION 2: What information do we collect?

- [What information do we collect about you?](#)
- [How will we use information about you?](#)
- [Retaining information](#)
- [Security of your information](#)

What information do we collect about you?

We only collect and use your information for the lawful purposes of administering the business of NHS Warrington CCG.

We process personal information to enable us to support the provision of healthcare services to patients, maintain our own accounts and records, promote our services, and to support and manage our employees. To enable us to do this effectively we are often required to process personal data i.e. that which identifies a living individual.

We also process special category data. This is personal data which the Data Protection Act 2018 (DPA18) says is more sensitive, and so needs more protection:

- Racial and ethnic origin
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Trade union membership
- Religious or similar beliefs
- Employment tribunal applications, complaints, accidents, and incident details

This information will generally relate to our staff, covered by the Privacy Notice for Staff.

In terms of patient information, the special category data we process includes:

- Physical or mental health details
- Racial and ethnic origin
- Sexual orientation
- Details of care

How the NHS and care services use your information

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected to help ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be provided to other approved organisations, where there is a legal basis to do so, to help with planning services, improving care provided, research into developing new treatments and preventing illness. This helps to provide better health and care for you, your family and future generations. Confidential personal information about your health and care is only used in this way where allowed by law and would never be used for insurance or marketing purposes without your explicit consent.

You have a choice about whether you want your confidential patient information to be used in this way. You can withdraw your consent at any time and where possible NHS Warrington CCG will make sure you are able to withdraw your consent using the same method as when you gave it.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, visit www.nhs.uk/my-data-choice. If you do choose to opt out, you can still consent to your data being used for specific purposes.

If you are happy with this use of information you do not need to do anything. You can change your choice at any time.

How will NHS Warrington CCG use information about you?

NHS Continuing Healthcare

Purpose and legal basis for processing

NHS Continuing Healthcare (CHC) is explained by on the NHS website <https://www.nhs.uk>

The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, Part 6 places a duty on CCGs to make provision for, i.e. the commissioning of CHC services.

To determine if someone is eligible for CHC and to then arrange a care and support package that meets their assessed needs, information about the individual will need to be collected, reviewed and shared with care providers such as care homes. As the CCG has a duty to commission CHC services, this allows for the collection of information about individuals for this purpose, the use of that information and the sharing of it with third parties who need to be involved in the process.

Sources of the data

The personal data are submitted by the CCG and the applicant for review.

Categories of personal data

The information CCGs use to assess eligibility, and which may be submitted to an Independent Review Panel, fall under the following headings:

- Behaviour
- Cognition (understanding)
- Communication
- Psychological/emotional needs
- Mobility
- Nutrition (food and drink)
- Continence
- Skin (including wounds and ulcers)
- Breathing
- Symptom control through drug therapies and medication
- Altered states of consciousness
- Other significant needs

The obtained records that relate to these areas may include Care Home records, Health Records (for example GP, Hospital, Mental Health, District Nursing) and Social Care Records.

Recipients of personal data

Categories of recipient's Personal data relating to the application is received by NHS Warrington CCG's Continuing Healthcare teams and the members of the review panel. An Independent Review Panel is made up of:

- an independent chair
- a representative nominated by a Clinical Commissioning Group (not involved in the case);
- a representative nominated by a Local Authority (not involved in the case); and
- at times there is also a clinical advisor in attendance

Complaints and Enquiries

Purpose and Legal basis for processing

Most NHS care and treatment goes well but sometimes things can go wrong. If you are unhappy with your care or the service you have received, it is important to let us know so we can improve. When NHS Warrington CCG receive a complaint, to allow it to be fairly and thoroughly managed, in most cases personal information will be required. CCGs have statutory duties (Section 6 of the Local Authority Social Services and National Health Service Complaints [England] Regulations (2009) (under section 113 "Complaints about Healthcare" of the Health and Social Care (Community Health and Standards Act 2003) which allow the processing of personal data in relation to complaints.

The legal basis we rely on to process your personal data is article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary to perform our public tasks as a CCG.

If the information you provide us in relation to your complaint contains special category data, such as health, religious or ethnic information the legal basis we rely on to process it is article 9(2)(g) of the GDPR, which also relates to our public task and the safeguarding of your fundamental rights. And Schedule 1 part 2(6) of the DPA 2018 which relates to statutory and government purposes.

Sources of the data

NHS Warrington CCG will generally collect/receive information when members of the public, their representatives, or members of Parliament, contact us with concerns or enquiries. In order to process a complaint NHS Warrington CCG will collect the relevant information at the point of contact to enable the team to provide a sufficient response to the request.

Categories of personal data

Information relating to complaints would generally include the following categories of personal data:

- Patient's name
- Patient's address
- Patient's contact number
- GP Surgery
- Patient's NHS number
- Patient's date of birth
- Representative details (if applicable)
- Representative address (if applicable)
- The nature of the complaint

Recipients of personal data

The recipients of personal data relating to complaints include:

- Any team within the CCG that may receive an enquiry or complaint
- Relevant providers (with the consent of the data subject) in order to fully investigate the complaint being made

Do we use any processors?

Communications & Engagement

Purpose and legal basis for processing

NHS Warrington CCG offers various services to the public giving them the opportunity to engage with us. This could be providing people with the latest news and information from the CCG, opportunities, events and details on how to get involved.

We have to hold the details of the people who have requested the service in order to provide it. However, we only use these details to provide the service the person has requested and for other closely related purposes. For example, we might use information about people who have requested a publication to carry out a survey to find out if they are happy with the level of service they received or if the information is useful to them. We will never ask you to provide any personal data in response to a survey. Any personal data received in responses is removed before responses are collated, analysed or disseminated.

When people do subscribe to our services, they can cancel their subscription at any time and are given an easy way of doing this. Personal data collected for the above purposes is only processed with the explicit consent of the data subject unless it becomes apparent that we are required to process the personal data due to statutory obligations such as investigating a complaint.

Sources of the data

The personal data is provided by data subjects when signing up to receive one of our newsletters either via our website or by completing one of our sign-up forms at one of our stakeholder events we hold from time to time.

Categories of Personal data

We only require you to provide us with your name and email address so that we can send you our publications. Information regarding your gender, sexual orientation, marital status and disabilities is collected so that we can ensure that our patient involvement groups are representative of our population we serve. We may also use it to send you targeted information or news. However, it is not mandatory to provide this information.

Recipients of personal data

The information you provide as a member of one of our patient involvement groups is never shared outside of NHS Warrington CCG.

Do we use any processors?

Yes – we use MailChimp to manage our contact database and deliver our newsletters. For more information, please see [MailChimp's Privacy notice](#).

Individual Funding Requests

The NHS has a duty to spend the money it receives from the Government in a fair way, taking into account the health needs of the whole community. The CCGs role is to ensure it gets best value for this money by spending it wisely on behalf of the public.

CCGs pay for local NHS health services and NHS England pays for highly specialised health services. The CCGs have a legal duty to provide health services for patients in the county with the fixed amount of money they have received from the Government. They have a legal duty not to spend more than this. This means that some hard choices have to be made. Not all treatments can be provided by the NHS. Treatments that are limited by CCGs are shown in their Clinical Commissioning Policies <http://www.warringtonccg.nhs.uk/Page%20Images/about-us/policies.htm>

However, the CCGs know that there will always be times when a patient would benefit from a particular treatment not usually given by the NHS. To apply for this treatment, an Individual Funding Request is made. To allow the CCG to consider these requests, access to both personal and health information regarding the individual to whom the request relates is required. As the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, Part 7, Regulation 34 places a duty on CCGs in respect of the funding and commissioning of drugs and other treatments, this provides the CCG with a legal basis to use personal data as part of this process.

Midlands and Lancashire CSU manage any IFR claims that are received by the CCG if you have any questions you can contact them at the following address:

Individual Funding Request Team
NHS Warrington CCG
1829 Building
Countess of Chester Health Park
Liverpool Road
Chester
CH2 1HJ
Secure NHS net email: warringtonccg.ifr@nhs.net

Telephone enquiries 01244 650597

Sources of the data

The information may be provided by a clinician who submits an IFR application form on behalf of a patient.

Categories of personal data

The IFR application form includes NHS number, name and address, date of birth, GP details, diagnosis, requested intervention and other information relevant to the request. Gender and ethnicity are also collected and held in anonymous form for equality monitoring.

Categories of recipients

Applications are considered by an independent panel who have not been involved in your treatment. The panel is made up of doctors, nurses, public health experts, pharmacists, NHS England representatives and lay members and is led by a lay chair.

Invoice validation

Invoice validation is an important process. It involves using your NHS number to check that we are the CCG that is responsible for paying for your treatment.

NHS Warrington CCG is an accredited Controlled Environment for Finance (CEff) under a Section 251 exemption which enables them to process patient identifiable information on behalf of NHS Warrington CCG without consent for the purposes of invoice validation – CAG 7-07(a)(b)(c)/2013.

We will also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

NHS England has published guidance on how invoices must be processed, and Commissioners have a duty to detect, report and investigate any incidents of where a breach of confidentiality has been made.

Sources of the data

The sources of data are providers who submit invoices for payment to [NHS Shared Business Services](#) who administer a national financial system on behalf of NHS England, and MLCSU.

Categories of Personal data

The data required for effective invoice validations can be found in appendix B. of “*Who Pays? Information Governance Advice for Invoice Validation*” which you can find here:

<https://www.england.nhs.uk/wp-content/uploads/2013/12/who-pays-advice.pdf>

Recipients of personal data

Midlands and Lancashire Commissioning Support Unit is the only organisation that will have receive personal data relating to invoice validation as an accredited Controlled Environment for Finance acting on behalf of the CCG.

Risk stratification

Purpose and legal basis for processing

Health care commissioners need information about the treatment of patients to review and plan current and future health care services. To do this they need to be able to see information about the health care provided to patients which can include patient level data.

The law says commissioners are not allowed to access Personal Confidential Data (PCD) because they are not providing direct patient care. As such, they use an intermediary service called Data Services for Commissioners Regional Office (DSRCO), that specialise in processing, analysing and packaging patient information within a secure environment into a format that commissioners can legally use; anonymised patient level data. You can find more comprehensive information about this arrangement on the NHS Digital Website.

NHS Digital, formally known as HSCIC, can disseminate data to commissioners under the Health and Social Care Act (2012). The act provides the powers for NHS Digital to collect, analyse and

disseminate national data and statistical information. To access this data organisations must submit an application and demonstrate that they meet the appropriate governance and security requirements.

NHS Digital, through its Data Services for Commissioners Regional Offices (DSCROs), is permitted to collect, hold and process Personal Confidential Data (PCD). This is for purposes beyond direct patient care to support NHS commissioning organisations and the commissioning functions within local authorities

GPs can identify individual patients from the risk stratified data when it is necessary to discuss the outcome and consider preventative care, however the CCG can never identify an individual from the risk stratified data that we see. Where the risk stratification process has linked GP data to health data obtained from other sources i.e. NHS Digital or other health care provider, the GP will ask for your permission to access the details of that information.

Sources of the data

Personal data is supplied into the national DSCRO arrangement by GPs and NHS Digital (commissioning data sets)

Categories of Personal data

Risk stratification tools use historic information about patients, such as age, gender, diagnoses and patterns of hospital attendance and admission collected by NHS Digital from NHS hospitals and community care services (Secondary Use Services). This is linked to data collected in GP practices and analysed to produce a risk score.

The Secondary Uses Service (SUS) 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. Information on care provided for all patients by Health Care Providers (both NHS and Independent Sector Healthcare Providers for NHS patients only) must be submitted to the Secondary Uses Service according to the Commissioning Data Set Mandated Data Flows guidelines.

Data from the GP Practice system will be obtained by using a “bulk data extract”, uploaded directly by the risk stratification tool supplier from the practice system. Prior to the upload, the supplier will obtain permission from the practice to request the data from the practice system provider and the practice will notify their system providers that this permission has been granted.

The data extract will EXCLUDE patients who have expressed a wish not to share information. Reports produced from the system including identifiable data is only provided back to your GP or member of your care team as data controller in an identifiable form. Your GP can provide more information about any risk stratification programme they are using. Should you have any concerns about how your information is managed at the surgery please contact the Practice Manager at your surgery to discuss how the disclosure of your personal information can be limited.

Recipients of personal data

The combined CCGs Secondary Use Service (SUS) data and GP data which contains an identifier (usually NHS number) is made available to clinicians with a legitimate relationship with their patients to enable them to identify which patients should be offered targeted preventative support to reduce those risks. NHS Warrington CCG does not have access to identifiable information.

Safeguarding

Purposes and basis for processing

NHS Warrington CCG is 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.

Our Legal basis for processing For the General Data Protection Regulation (GDPR) purposes is Article 6(1)(e) ‘...exercise of official authority...’. 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...’

Categories of personal data

The data collected by NHS Warrington CCG staff in the event of a safeguarding situation will be as much personal information as is necessary or possible to obtain in order to handle the situation. In addition to some basic demographics and contact details, this is likely to be special category information (such as health information).

Sources of the data

NHS Warrington CCG will either receive or collect information when someone contacts the organisation with safeguarding concerns or when we otherwise believe there may be safeguarding concerns.

Recipients of personal data

The information is used by NHS Warrington CCG when handling a safeguarding incident or concern. We may share information accordingly to ensure duty of care and investigation as required with other partners such as Local Authorities, the Police, healthcare professionals (i.e. a patient’s GP or mental health team).

How we use information provided by [NHS Digital](#)

We use information collected by NHS Digital from healthcare providers such as hospitals, community services and GPs, which includes information about the patients who have received care and treatment from the services that we fund.

The data we receive does not include patients’ names or home addresses, but it will usually include information such as your NHS number, postcode, date of birth, ethnicity and gender as well as coded information about your visits to clinics, Emergency Departments, hospital admissions and other NHS services.

The Secretary of State for Health has given limited permission for us (and other NHS commissioners) to use certain confidential patient information when it is necessary for our work and unless we have a legal basis to use identifiable data, de-identified information is used for all purposes other than direct care. This approval is given under Regulations made under Section 251 of the NHS Act 2006 and is based on the advice of the [Health Research Authority’s Confidentiality and Advisory Group](#).

To enable us to use this data, we must meet strict conditions that we are legally required to follow, which includes making a written commitment to NHS Digital that we will not use information in any way that would reveal your identity.

Children's Information

We do not provide services directly to children or proactively collect their personal information. However, we are sometimes given information about children while handling a complaint or conducting an investigation. The information in the relevant parts of this notice applies to children as well as adults.

Automated Decision Making

NHS Warrington CCG does not use automated individual decision-making (making a decision solely by automated means without any human involvement).

Retaining information

Information in the CCG is held for a specific length of time depending on the type of information it is. The length of time we retain your information for is defined by the NHS retention schedule which can be viewed online here: [NHS Digital Records Management Code of Practice for Health and Social Care 2016](#)

Once information has been reviewed and is no longer required to be kept by a retention period the information will be securely destroyed.

Security of your information

NHS Warrington CCG 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.

Alongside the [Data Protection Officer](#) (DPO), we have appointed a Senior Information Risk Owner (SIRO) who is accountable for the management of all information assets and any associated risks and incidents, and a 'Caldicott Guardian' who is responsible for the management of patient information and patient confidentiality.

All staff are required to undertake annual [information governance](#) training and are provided with an information governance Handbook and Code of Conduct that they are required to read and agree to adhere to. These ensure that staff are aware of their information governance responsibilities and follow best practice guidelines ensuring the necessary safeguards and appropriate use of person-identifiable and confidential information.

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information and inform you of how your information will be used. This includes, in most circumstances, allowing you to decide if and how your information can be shared.

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.

SECTION 3: Your Rights

1. [The right to be informed](#)
2. [The right of access](#)
3. [The right to rectification](#)
4. [The right to erasure](#)
5. [The right to restrict processing](#)
6. [The right to data portability](#)
7. [The right to object](#)
8. [Rights in relation to automated decision making and profiling](#)

The right to be informed

You have the right to be informed about the collection and use of your personal data. This [privacy notice](#) is one of NHS Warrington CCG's key methods for providing you with this information. In addition to this notice, we will provide you with more specific information at the time we collect personal data from you, such as when you apply for Continuing Healthcare or make a complaint to us.

The right of access

You have the right to ask us for confirmation of whether we process data about you and if we do, to have access to that data so you are aware and can verify the lawfulness of the processing.

You can make your own application to see the information we hold about you, or you can authorise someone else to make an application on your behalf. A child's parent or guardian, a patient representative, or a person appointed by the Court may also apply. If you wish to ask us for confirmation of whether we process data about you or access your personal data, then please contact:

Midlands and Lancashire CSU SAR's Team:

Liverpool Innovation Park
Edge Lane
Liverpool
L7 9NJ

The right to rectification

You are entitled to have personal data that we hold about you rectified if it is inaccurate or incomplete. If we have passed the data concerned on to others, we will contact each recipient and inform them of the rectification - unless this proves impossible or involves disproportionate effort. If this is the case, we will explain to you why.

The right to erasure

You have the right to have personal data we hold about you erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- If you withdraw your consent for us to process your data (if this was the basis on which it was collected).
- The personal data was unlawfully processed (i.e. a breach of UK data protection laws).
- The personal data must be erased in order to comply with a legal obligation.

However, if we have collected and are processing data about you to comply with a legal obligation for the performance of a public interest task or exercise of official authority, i.e. because we have a legal duty to do so in our functioning as a CCG, then the right to erasure does not apply.

The right to restrict processing

You have the right to 'block' or suppress processing of your personal data which means that if you exercise this right, we can still store your data but not to further process it and will retain just enough information about you to ensure that the restriction is respected in future.

You can ask us to restrict the processing of your personal data in the following circumstances:

- If you contest the accuracy of the data, we hold about you we will restrict the processing until the accuracy of the data has been verified;
- If we are processing your data as it is necessary for the performance of a public interest task and you have [objected](#) to the processing, we will restrict processing while we consider whether our legitimate grounds for processing are overriding.;
- If the processing of your personal data is found to be unlawful but you oppose [erasure](#) and request restriction instead; or
- If we no longer need the data we hold about you, but you require the data to establish, exercise or defend a legal claim.

If we have disclosed the personal data in question to others, we will contact each recipient and inform them of the restriction on the processing of the personal data - unless this proves impossible or involves disproportionate effort.

We will inform you if we decide to lift a restriction on processing.

The right to data portability

The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services. It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability although it only applies where we are processing your personal data based on your consent for us to do so or for the performance of a contract and where the processing is carried out by automated means.

The right to object

Where the CCG processes personal data about you on the basis of being required to do so for the performance of a task in the public interest/exercise of official authority, you have a right to object to the processing.

You must have an objection on grounds relating to your particular situation.

If you raise an objection, we will no longer process the personal data we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

Rights in relation to automated decision making and profiling

As the CCG does not make any decisions based solely on automated processing, individuals' rights in relation to personal data processed in this way are not applicable.