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Review:

Name	Role	Date	Version
Governance Committee	Governance Committee members	Nov 19	1.0

Approval:

Name	Role	Date	Version
IG Group	IG Group	Dec 19	1.1
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People Matters		Dec 19	1.1



How your information is used by Greater Manchester Shared Services (GMSS)

What is a Fair Processing or Privacy Notice?

The purpose of this notice is to inform you of the type of information including personal confidential data that GMSS processes about you, how that information is used, who we may share that information with, and how we keep it secure and confidential.

GMSS has a duty to ensure this is kept confidential, secure and used appropriately.

Who we are and what we do

NHS Greater Manchester Shared Services (GMSS) provides support and advice to clinical commissioners to help deliver improved health services to their local populations. GMSS offer an extensive range of services, from contracting and analytics to finance and communications.

The organisation was originally established in 2013 as NHS Greater Manchester Commissioning Support Unit and later as part of NHS North West Commissioning Support Unit. It became NHS Greater Manchester Shared Services in April 2016 and is managed under a hosting arrangement by NHS Oldham Clinical Commissioning Group (CCG) on behalf of the ten CCGs across Greater Manchester.

While Greater Manchester CCGs make up the majority of our clients, GMSS also host a range of services for NHS England, and other customers, including provider trusts, general practices, numerous social care, community care and voluntary sector organisations, as well as local authorities and the private sector.

The following Greater Manchester Joint Commissioning Team services are hosted by GMSS who act as Data Processor:

Effective Use of Resources (EUR)
Medicines Optimisation
Project Management & Contracting

The Child Health Information Service is hosted by GMSS who act as Data Processor on behalf of NHS England.

The following information explains why we use information, who we share it with, how we protect your confidentiality and your legal rights and choices.

We are committed to protecting your rights to confidentiality.

We want service users to understand:

- How GMSS use and share information

- Your health record, what it contains and how you can access it
- When you can choose to opt-out of your personal information being collected or shared and what this will mean to you

Why we collect information about you

We use information collected by hospitals, community services and NHS Digital to support the work that we provide for the CCG's. It does not include your name or home address but may include information such as your NHS number, ethnicity and gender. It also contains coded information about hospital attendances and treatment.

We will use anonymised data that cannot be linked back to your identity (de-identified data) wherever possible. In order to ensure that the NHS continues to function lawfully and efficiently, the Secretary of State for Health and Social Care has given permission for some NHS organisations to use certain personal information from Secondary Uses Service (SUS) without consent, but only when it is absolutely necessary for certain specified purposes.

Please see <http://content.digital.nhs.uk/sus> for further information on SUS data

This approval is given upon the strict advice of the Health Research Authority's Confidentiality and Advisory Group (CAG) under conditions set out in section 251 of the NHS Act 2006. The specific terms and conditions that we are obliged to follow when using SUS data can be found on the NHS Digital website.

Section 251 of the NHS Act 2006

The Secretary of State for Health gives limited permission for certain NHS organisations to use certain confidential patient information when it is necessary for work purposes other than direct care such as information from NHS Digital for commissioning and Invoice Validation.

This allows the Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes. Section 251 came about because it was recognised that there were essential activities of the NHS, and important medical research, that required the use of identifiable patient information – but, because patient consent had not been obtained to use people's personal and confidential information for these other purposes, there was no secure basis in law for these uses.

Section 251 was established to enable the common law duty of confidentiality to be overridden to enable disclosure of confidential patient information for medical purposes, where it was not possible to use anonymised information and where seeking consent was not practical, having regard to the cost and technology available.

To find out more about Section 251 and the work of the Health Research Authority (HAR), please visit:

<http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/>

Processing Patient Data

As a Commissioning Support organisation we do not routinely hold medical records or patient confidential data. There are some specific areas, however, because of our assigned responsibilities where we do hold and use personal information. This is referred to as Primary Data. 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:

- We have received consent from individuals to be able to use their information for a specific purpose
- 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, statutory returns)

The areas where we use personal information are:

Individual Funding Requests

Type of data	Personal Data – demographics Special category of data – Health data
Source of Data	Primary and Secondary Care
Legal basis for processing Personal Data and Special Category of data under GDPR	Article 6 (1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority Article 9(2)(h) - Processing is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health and social care systems
Common Law Duty of Confidentiality basis	Implied Consent

You or your doctor on your behalf can make an Individual Funding Request (IFR) for a treatment not routinely commissioned. We use the information you provide and if necessary request further information from care primary and secondary care providers to identify eligibility for funding. This process is carried out by Greater Manchester Joint Commissioning Team which is hosted by GMSS as data processor.

For further information about Individual Funding Requests processed by the Greater Manchester Joint Commissioning, EUR Team, please email: gmifr.gmcsu@nhs.net

Complaints relating to GMSS

Type of data	Personal Data – demographics
Source of Data	Data Subject
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a) – Explicit Consent

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

We will only use the personal information we collect to process the complaint and to check on the level of service we provide. We usually have to disclose the complainant's identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person's record is in dispute. If a complainant doesn't want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

We will keep personal information contained in complaint files in line with our retention policy. This means that information relating to a complaint will be retained for two years from closure. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

Subject Access Requests

Type of data	Personal Data – demographics
Source of Data	Data Subject
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a) – Explicit Consent

If you have asked us for a copy of your data we will need your explicit, written consent (or your legal representative) before we proceed.

Safeguarding

Type of data	Personal Data – Demographics Special category of data – Health Data
Source of Data	Primary Care, Secondary Care and Community Care
Legal basis for processing Personal Data and Special Category of data under GDPR	Article 6 (1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority Article 9 (2)(b) - Processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or the data subject in the field of ...social protection law
Common Law Duty	Overriding Public Interest / Statutory legalisation for adult and

of Confidentiality basis	children safeguarding
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Information is provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately. Access to personal confidential data will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

For the purposes of safeguarding children and vulnerable adults, personal and healthcare data is disclosed under the provisions of the Children's Act 2014 and Care Act 2014.

Supporting Medicines Optimisation

Type of data	Personal Data – demographics Special category of data – Health data
Source of Data	Primary Care
Legal basis for processing Personal Data and Special Category of data under GDPR	Article 6 (1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority Article 9 (2)(h) - Processing is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health and social care systems
Common Law Duty of Confidentiality basis	Implied Consent

The Greater Manchester Joint Commissioning Medicines Optimisation Team (hosted by GMSS) work with CCG/GP practices to provide advice on medicines / prescribing queries and review prescribing of medicines to ensure that it is safe. In some cases, to ensure clinical safety, this may require the use of personal confidential data.

In cases where personal confidential data is required, this is done with the practice agreement. No data is removed from the practice's clinical system and no changes are made to patient's records without permission from the GP.

Where specialist support is required, for example, to advise community pharmacists to order a drug that comes in solid form, in gas or liquid form; medicines optimisation pharmacists will provide advice on behalf of a GP to support your care. Personal confidential data is used for this purpose.

Personal confidential data is also used by our medicines optimisation team to review and authorise (if appropriate) requests for high cost drugs which are not routinely funded. In cases where personal confidential data is used, this is done with permission from the GP.

For information that may identify you (known as personal confidential data) we would only use in accordance with the:

- The Data Protection Act 2018
- The General Data Protection Regulation 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 – this states that you have the right to privacy and confidentiality and to expect the NHS to keep your confidential information safe and secure.

We also have to 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.

We keep your information in written form and / or on a computer securely and confidentially.

The information held within these records depend on what is required in order to complete the process for which it is intended and will include basic 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.

Children's Personal Data

For the first time, the GDPR will bring in special protection for children's personal data, if GMSS relies on consent to collect information on children then we may ask for a parent or guardians consent in order to process their personal data lawfully.

The GDPR sets the age when a child can give their own consent to this processing at 16 (although this may be lowered to a minimum of 13 in the UK). If a child is younger then we will need to get consent from a person holding 'parental responsibility'.

GMSS will use the services of the additional data processors, who provide additional expertise to support the work of the GMSS by adding value to the analyses of data that does not directly identify patients, as follows:

Data Processors

Data Processor 1

Confidential Waste Disposal
Shred-It Manchester
Unit 4A, B& C Lynecastle Way
Warrington
WA4 4ST

Data Processor 2

NHS Oldham CCG hosting:
Greater Manchester Shared Services
Ellen House, Waddington Street, Oldham, OL9 6EE

IT Services / Personal data for the purposes of payroll process.

Data Processor 3

NHS Shared Business Services
Waterside House
Town Quay
Southampton
SO14 2AQ

Provision of CHC services on behalf of the CCG's

Invoice Validation

Invoice validation is an important process which the CCG requests that NHS Oldham CCG hosting: Greater Manchester Shared Services, carries out on their behalf. This involves using your NHS number to establish which CCG is responsible for paying for your treatment. The process also ensures that those who provide you with care are reimbursed correctly for the care and treatment they have provided. Greater Manchester Shared Services are registered as a Controlled Environment for Finance which ensures that procedures and systems for managing invoices on behalf of the CCG is in line with national requirements.

Sharing your information with other organisations

We share anonymised information with other NHS and social care partner agencies for the purpose of improving local services, research, audit and public health. We would not share information about you unless:

- You have asked us to and given us permission;
- We are lawfully required to report certain information to the appropriate authorities e.g. to prevent fraud or a serious crime;
- To protect children and vulnerable adults;

- When a formal Court Order has been served up us;
The health and safety of others, for example to report an infectious disease like meningitis or measles.

Sharing and linking data

NHS patients and social care service users may receive care and treatment from a number of different places. It is 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

We have entered into contracts with other NHS organisations to provide some services to us, which includes processing data on our behalf, including patient information and to provide Human Resources services for our staff. In these instances, we ensure that our partner agencies have contracts which outline that your information is processed under strict conditions and in line with the law. These services are subject to the same legal rules and conditions for keeping personal information confidential and secure and GMSS is responsible for ensuring their staff are appropriately trained and that technical and operational procedures are in place to keep information secure and protect privacy.

Disclosure of Information

We will not disclose your information to organisations/individuals that are not involved in your care, without your permission, unless there are exceptional circumstances or a legal obligation such as;

- There is a risk of harm to someone or the wider community;
- The prevention or detection of a serious crime;
- When we are required to do so by law;
- Reporting some infectious diseases.

In the event that we are obligated to release information as described above, this will only be done with the approval of our Caldicott Guardian.

Keeping information secure and confidential

All staff have contractual obligations of confidentiality, enforceable through disciplinary procedures. All staff will receive appropriate training on confidentiality of information and staff who have regular access to personal confidential data will have received additional specialist training.

We take relevant organisational and technical measures to ensure 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.

Unless required to do so by law, we will not share, sell or distribute any of the information you provide to us with any third party organisations/individuals without your explicit consent.

Each NHS organisation has a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing.

This person is called the *Caldicott Guardian.

Data Retention

GMSS hold data in accordance to the retention schedule in the Records Management Code of Practice 2016.

Destruction

Destruction of data will only happen following a “review” of the information at the end of its retention period. Where data has been identified for disposal we have the following responsibilities:

- To ensure that information held in manual form (regardless of whether originally or printed from the IT systems) is destroyed using a cross cut shredder or subcontracted to a reputable confidential waste company (as identified in the table below) that complies with European Standard EN15713.
- To ensure that electronic storage media used to hold or process information are destroyed or overwritten to current national cyber security standards.
- To ensure that any arrangement made to sub-contract secure disposal services from another provider, complies with the NHS Standard Contract and with assurance that the sub-contractor's organisational and technical security measures comply with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

What are your rights over your personal data?

You have the following rights over your data we hold.

Right of Access

You are entitled you to view/ ask for a copy of the information GMSS hold about you this is known as a Subject Access Request. We request that you provide this in writing / email to us with identification and provide adequate information to help us process your request. If we need further information, we will ask you to provide this.

There is no charge (subject to exemptions) to have a copy of the information held about you.

GMSS hold a limited amount of healthcare data as detailed above. To request access to GP records, please contact your GP practice and to request access to hospital records, please contact the hospital you attended for treatment / care.

You should also be aware that in certain circumstances, your right to see some details in your health records held by GMSS may be withheld. This may be because releasing the information could cause serious harm to your physical or mental health or if there is 3rd party information that cannot be released.

To request a copy of or request access to information we hold about you and / or to request information to be corrected if it is inaccurate, please contact:

IG Team
GMSS
Ellen House
Waddington St
Oldham
OL9 6EE

Requests are handled in line with our Subject Access Requests (SAR) Procedure.

If posted, please ensure it is marked to the private and confidential and addressed to GMSS IG Team.

Right to Rectification

The correction of personal data when incorrect, out of date or incomplete which must be acted upon within 1 calendar month of receipt of such request. Please ensure GMSS has the correct contact details for you.

Right to Erasure ('forgotten')

Only if we have your explicit consent for any processing we do, you have the right to withdraw that consent at any time and have the right to request this data to be deleted / erased. Please note this will not apply where healthcare data is processed.

Right to Data Portability

Only if we have your explicit consent for any processing we do, you have the right to have data provided to you in a format you have requested such as an excel spreadsheet, csv file.

Right not to be subject to a decision based solely on automated processing

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

Right to object to processing

You have the right to object to processing. However please note if we can demonstrate compelling legitimate grounds which outweighs the interest of you then processing can continue. If we didn't process any information about you and your health care (where GMSS process health data) it would be very difficult for us to care and treat you.

Your right to withdraw consent for us processing your personal information

At any time, you have the right to refuse / withdraw consent of GMSS processing your personal data. If you withdraw consent the possible consequences will be fully explained to you.

Opting Out of Data being Shared beyond care purposes

The NHS Constitution states "You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered"

How to opt out of Data being Shared beyond Care Purposes

If you do not want your personal information being shared and used for purposes other than your care and treatment, then please follow the link below where further details can be found:

<https://www.nhs.uk/your-nhs-data-matters/>

This should not affect the care and treatment you receive.

Information directly collected by the GMSS

If you wish for the GMSS to stop processing information about you (in any of the ways detailed above) please contact GMSS on:

IG Team
Ellen House
Waddington Lane
Oldham
OL9 6EE

Email: gmss.ig@nhs.net

(Please note this email account is accessed by a number of personnel therefore consider the information provided when contacting)

Data Protection Register / ICO Notification

GMSS is required under the terms of the Data Protection Act 2018/General Data Protection Regulation to ensure that all personal information we process is in compliance with the law. All data controllers must notify with the Information Commissioners Office (ICO) who is the UK's independent body set up to uphold information rights, of all personal information processing activities.

GMSS has dutifully notified and our ICO Notification number is **ZA011698** you can access this notification via the ICO website at www.ico.org.uk.

Complaints / Contacting the Regulator

If you feel that your personal data we hold at GMSS has not been handled correctly or you are unhappy with our response to any requests you have made to us regarding the use of personal data, please contact our Data Protection Officer at the following contact details. Under GDPR all public bodies must nominate a Data Protection Officer. The DPO is responsible for advising on compliance, training and awareness is the main point of contact with the Information Commissioner.

Data Protection Officer

IG Team

Email: gmss.ig@nhs.net

IG Team

GMSS

Ellen House

Waddington St

Oldham

OL9 6EE

Questions or Concerns

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

IG Team

GMSS

Ellen House

Waddington St

Oldham

OL9 6EE

Email: gmss.ig@nhs.net

To contact the Caldicott Guardian, please contact us at:

gmss.ig@nhs.net

(Please note this email account is accessed by a number of personnel therefore consider the information provided when contacting and please state that the email is for the Caldicott Guardian of GMSS).

For independent advice about data protection, privacy and data-sharing issues, you can contact the Information Commissioners Office (ICO)

Information Commissioner Office (ICO)

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

www.ico.org.uk

Definitions

Personal Confidential Data	<p>Personal confidential data is a term used in the Caldicott Information Governance Review and describes personal information about identified or identifiable individuals, which should be kept private or secret and includes dead as well as living people.</p> <p>The review interpreted 'personal' as including the GDPR definition of personal data, but included data relating to the deceased 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' as defined in the GDPR.</p>
Anonymised Data	<p>Anonymisation is the process of turning data into a form which does not identify individuals and where identification is not likely to take place. This allows for a much wider use of the information.</p>
Caldicott Guardian	<p>Each NHS organisation has a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing. This person is called the Caldicott Guardian. The Caldicott Guardian is the senior person in GMSS responsible for</p>

	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 the information and we are obliged to tell you that we have shared your information in all but very exceptional circumstances.
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Useful resources and information

Information Commissioner's Office – <http://ico.org.uk/>

HRA – <http://www.hra.nhs.uk/>

NHS Digital – Guide to Confidentiality in Health and Social Care - <http://digital.nhs.uk/media/12822/Guide-to-confidentiality-in-health-and-social-care/pdf/HSCIC-guide-to-confidentiality.pdf>

Information Governance Alliance – <http://systems.digital.nhs.uk/infogov/iga>

NHS Care Record Guarantee - <http://systems.digital.nhs.uk/rasmartcards/documents/crg.pdf>

The NHS Constitution - <https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england>

Records Management Code of Practice for Health and Social Care 2016 - <http://systems.digital.nhs.uk/infogov/iga/rmcop16718.pdf>