

Your Information and how we use it

Fair Processing / Privacy Notice for Patients

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1. 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 NHS Sheffield CCG holds, how that information is used, who we may share that information with, and how we keep it secure and confidential.

Personal confidential data, commonly known as PCD, is a term which came from a national information governance review undertaken by Dame Fiona Caldicott and her team in July 2013. PCD is personal information, such as your name, address, date of birth and / or sensitive information such as your health information (as defined in the Data Protection Act 1998) which must be kept confidential and includes deceased as well as living people's information.

NHS Sheffield CCG has a duty to ensure this is kept confidential, secure and used appropriately.

2. Who are we and what do we do?

NHS Sheffield CCG is responsible for buying (also known as commissioning) health services from healthcare providers such as Hospitals and GP Practices for our local population.

We also have a quality and performance monitoring role of these services, which includes responding to any concerns from our patients on the services or by referring them to NHS England as appropriate.

3. Why we collect information about you?

We generally use anonymised data, which means you cannot be identified from that information, and we will only use your personal confidential data with your consent or if there is a legal requirement to do so. For information that may identify you (known as personal confidential data) we would only use this in accordance with the:

- [Data Protection Act 1998](#) - This Data Protection Act requires us to have a legal basis if we wish to process any personal information.
- [NHS Care Record Guarantee](#) – 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.

There are some specific areas, however, because of our assigned responsibilities where we do hold and use personal information. 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 the direct health or social care for patients
- 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)

The areas where we use personal information are:

- **Individual Funding Requests** – An Individual Funding Request (IFR) is a request to fund a healthcare intervention that falls out of the range of services and treatments that the Clinical Commissioning Group (CCG) has agreed to commission. The CCG has a team who process these requests.
- **Continuing Healthcare Requests** – these are assessments for continuing healthcare assessments (a package of care for those with complex medical needs). The CCG has a team who process these requests.

- **Queries / Concerns and Complaints** – Sheffield CCG act with your consent to investigate any issues.
- **Safeguarding** - Assessment and evaluation of safeguarding concerns for individuals – old and young. The CCG has a safeguarding team who deal with this and they disclose information to other safeguarding partners when this is required.
- **Medicines Management / Optimisation Services** – The CCG has a team who are responsible for the clinical and cost effective use of medicines. The team works with practices to review drugs
- **Patient Engagement** - if you are a member of any of our patient participation groups, or have asked us to keep you up to date about our work and involved in our engagement and public consultations, the Communications team keeps this data about you.

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

The records 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.

Information is held in accordance with the retention periods as set out in the [Records Management Code of Practice for Health and Social Care 2016](#)

4. How we use your information

Information used to support your care

When you see a doctor, nurse or any other health professional, they ask you to give them information about yourself. This helps them decide what treatment and care is best for you. They keep a record of any relevant information, which may be written down or held on computer. This record is then known as your health or medical record.

Your medical record may include:

- Basic details about you such as name, address and next of kin
- Details of any diagnosis and treatment you receive including drug prescriptions
- Results of investigations such as blood tests and X-rays
- Details of contact you have with other health professionals such as visits to clinics
- Relevant information from other professionals and those who care for you

Different health professionals involved in your care will make their own notes, so you may have medical records in different parts of the NHS.

- Your GP practice should display a poster explaining about how records are shared – see “[Your Sheffield Health and Care Records](#)” poster for a copy
- If you would like to know more detail then there is a full five page version available – see “[Your Sheffield Health and Care Records](#)” full version

How we use information provided by NHS Digital

Note the Health and Social Care Information Centre (HSCIC) became known as NHS Digital on 1 April 2016.

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 may 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 Department, 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 whilst changes are made to our systems that ensure 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.

In order to use this data, we have to 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. These terms and conditions can be found on the [NHS Digital website](#).

Below are examples of section 251 approvals:

Invoice Validation

CCGs and NHS England, which includes Commissioning Support Units, do not have a legal right to access personal confidential data (PCD) for the purpose of validating invoices. On 22 November 2013, the Secretary of State for Health approved applications from NHS England for section 251 support for PCD to be used to validate invoices lawfully, without the need to obtain explicit consent from the individual patient at a local level.

[Invoice Validation](#) is an important process which the CCG carries out. 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. The invoice

validation process is carried out by Sheffield CCG staff using the Rotherham CCG CEfF facility. Rotherham CCG are registered as a Controlled Environment for Finance (CEfF) which ensures that procedures and systems for managing invoices on behalf of the CCG is in line with national requirements. This is done in line with the 'Who Pays Invoice Validation Guidance' issued by NHS England.

Risk Stratification (Pro-Active Care Management)

[Risk Stratification](#) is a process GPs and other health and care professionals use to help them to identify and support patients with long-term conditions; to help prevent un-planned hospital admissions or reduce the risk of certain diseases developing such as type 2 diabetes. This is called risk scoring for case-finding.

The CCG also uses risk stratified data to understand the health needs of the local population in order to plan and commission the right services. This is called risk stratification for commissioning. The CCG does not have access to your personal data. This information is de-identified / pseudonymised.

Pseudonymisation (sometimes known as de-identification) is a process where identifiable information such as name, address, date of birth and NHS Number is removed and replaced with a code which makes it anonymous to the CCG, but would allow others such as those responsible for providing care to identify an individual. It allows records for the same patient from different sources to be linked to create a full record of that patient's condition, history and care without identifying the patient to anyone other than the GP or appropriate health or care professional.

The CCG uses a [Data Services for Commissioners \(DSCRO\)](#) service hosted by [North of England Commissioning Support \(NECS\)](#) to assist in the process of Risk Stratification. NECS process personal confidential data on behalf of the CCG under a contract agreement with the CCG that mandates that robust technical and organisational measures are in place to ensure the security and protection of the information.

Linkage of data from different health and social care data sources is undertaken enabling the processing of data and provision of appropriate analytical support for GPs and CCGs whilst protecting the privacy and confidentiality of the patient(s).

Robust access controls are in place to ensure only GPs or appropriate health or care professionals are able to re-identify information about their individual patients when it is necessary for the provision of their care. GPs will be able to identify which of their patients are at risk in order to offer a preventative service to them, but the CCG will only have access to pseudonymised information to understand the local population needs.

Handling Continuing Healthcare (CHC) Applications

If you make an application for Continuing Healthcare (CHC) funding, Sheffield CCG will use the information you provide and where needed, request further information

from other health and care professionals to identify eligibility for funding. If agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers. This process is nationally defined and follows a standard process and Sheffield CCG use standard information collection tools to decide whether someone is eligible.

Handling Individual Funding Requests (IFR) Applications

An Individual Funding Request (IFR) is a request to fund a healthcare intervention that falls out of the range of services and treatments that the Clinical Commissioning Group (CCG) has agreed to commission. If you make an Individual Funding Request then Sheffield CCG will use the information you provide and where needed, request further information from care providers to identify eligibility for funding. If agreed, arrangements will be put in place to arrange and pay for the agreed funding packages with appointed care providers. We will always seek your consent to use your information for this purpose. When your request is shared with the Sheffield CCG decision-making panel only health information required to inform the decision is shared. Personal identifying information such as name, NHS Number, or address are redacted from this shared information.

Supporting Medicines Management

CCGs support local GP practices with prescribing queries which generally don't require identifiable information.

Sheffield CCG process funding requests for high cost drugs. Any personal identifying information is not shared with the CCG for this.

Safeguarding

Advice and guidance is provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately. Access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

Post Infection Reviews

CCGs collaborate with Public Health services and work closely with the organisations involved in providing patient care, to jointly identify and agree the possible causes of, or factors that contributed to a patient's infection.

CCGs participate in Post Infection Reviews in the circumstances set out in the Post Infection Review Guidance, issued by NHS England. They will be able to use the results of the Post Infection Review to inform the mandatory healthcare associated infections reporting system.

Incident Management

Sheffield CCG is accountable for effective governance and learning following all Serious Incidents (SIs) and work closely with all provider organisations as well as commissioning staff members to ensure all SIs are reported and managed appropriately. The Francis Report (February 2013) emphasised that commissioners should have a primary responsibility for ensuring quality, as well as providers.

5. Sharing Information with others

Direct Care

In order to deliver the best integrated health and social care services to you in Sheffield we share relevant and appropriate personal data between professionals involved in your care - this means sharing records between your GP, primary care, hospitals, out-of-hours, ambulance services (111 and 999) and other health and social care organisations.

Securely sharing your records helps us to ensure you receive the safest, most appropriate care for you, and reduces the need for you to repeatedly tell your story.

Continuing Healthcare (CHC)

Sheffield CCG will share the information you provide with other health and care professionals involved in your care, and with finance staff involved in your funding / care home invoicing arrangements.

Other Purposes

In order for Sheffield CCG to perform its commissioning functions, information (mostly anonymised) is shared from various organisations which include general practices, acute and mental health hospitals, other CCGs, community services, walk-in centres, nursing homes, directly from service users, social care and others.

We share anonymised information with other NHS and social care partners for the purposes of improving local services, research, audit and public health. We will not share personal confidential data about you unless:

- You have given us consent
- We are lawfully required to report to certain authorities such as to prevent fraud or serious crime
- To protected children and vulnerable adults (safeguarding)
- When a formal court order has been service upon us
- To protect the health and safety of others, for example, reporting an infectious disease

We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health

professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued.

Where information sharing is required with third parties, we will always have a relevant Data Sharing Agreement in place and will not disclose any personal confidential health information without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk or where the law requires it or to carry out a statutory function.

Appendix A 'Legal Basis' at the end of this document describes the legal basis for the sharing of some information.

6. Data Processing

The CCG uses the services of other data processors. The details of our data processors and the functions that they carry out on our behalf are shown in Appendix B - the 'Our Data Processors' table at the end of this document.

All these organisations are subject to the same legal rules and conditions for keeping personal confidential data secure. We ensure that our partner agencies have contracts / information sharing agreements which outline that your information is processed under strict conditions and in line with the law. The CCG remains the data controller (the organisation responsible for determining the purposes for which and the manner in which personal data is used under the Data Protection Act 1998) of such information at all times.

7. Keeping information secure and confidential

All our staff have contractual obligations of confidentiality, enforceable through disciplinary procedures. All staff will receive appropriate training on confidentiality of information and staff (who because of their role) have regular access to personal information 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.

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 Sheffield CCG Caldicott Guardian is Dr Andrew McGinty.

8. Your right to withdraw consent / opt out of processing your personal information

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".

At any time, you have the right to opt out / withdraw consent to the processing or sharing of your information with others (unless there is a law that requires otherwise). The possible consequences of opting out will be fully explained to you. Please be aware that by not agreeing to share your records you may not always receive the best available service that meets your specific needs. For example the GP out of hour's service may not be fully aware of which medications you are currently taking and so be unable to advise on the best course of action for you.

We recommend that your records are shared, however, if you wish to opt out of your data being processed and / or shared onwards with other organisations, please contact your care provider.

There are several forms of opt-outs available at different levels. These include for example:

Type 1 opt-out

If you do not want personal confidential data 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.

Patients are only able to register the opt-out at their GP practice.

Records for patients who have registered a type 1 opt-out will be identified using a particular code that will be applied to your medical records that will stop your records from being shared outside of your GP Practice.

Type 2 opt-out

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services.

To support those NHS constitutional rights, patients within England are able to opt out of their personal confidential data being shared by NHS Digital for purposes other than their own direct care, this is known as the 'Type 2 opt-out'

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.

Patients are only able to register the opt-out at their GP practice.

Further Information and Support about Type 2 opt-outs

For further information and support relating to type 2 opt-outs please contact NHS Digital:

- Visit the website: <http://digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>
- Email enquiries@hscic.gov.uk referencing 'Type 2 opt-outs - Data requests' in the subject line; or
- Or call NHS Digital on (0300) 303 5678

9. How can you get access to information held about you?

The Data Protection Act 1998 gives you the right to request to view or have a copy of your records. You do not need to give a reason, but you may be charged a fee.

Queries about access to your patient records should be directed to the organisation where you received your care. If you are enquiring about your primary care records then your query should be directed to your GP practice. If you are enquiring about hospital records then your query should be directed to Sheffield Teaching Hospital, Sheffield Children's Hospital, or the Sheffield Health and Social Care Trust as appropriate - please see their websites for contact details.

Primary Care: contact your GP Practice

Sheffield Teaching Hospital: <http://www.sth.nhs.uk/>

Sheffield Children's Hospital: <http://www.sheffieldchildrens.nhs.uk/>

Sheffield Health and Social Care Trust: <http://www.sct.nhs.uk/>

If you want to request access to your information held by the CCG and / or request audit trail information, you need to make a written request to:

For Continuing Health Care (CHC) records:

Continuing Health Care,
NHS Sheffield CCG,
722 Prince of Wales Road,
Sheffield, S9 4EU

Or email: sheccg.sheffieldchc@nhs.net

For Individual Funding Requests (IFR) records:

Allison Ball, Head of Individual Funding Requests (IFR),
NHS Sheffield CCG,
722 Prince of Wales Road,
Sheffield, S9 4EU

Or email: sheccg.sybifr@nhs.net

You should also be aware that in certain circumstances, your right to see some details in your health records may be limited in your own interest or for other reasons.

10. Data Protection Act Notification

The Data Protection Act 1998 requires organisations to register with the Information Commissioners Office (ICO) to describe the purposes for which we process personal confidential data on a yearly basis. The Information Commissioners Office is the UK's independent body set up to uphold information rights.

NHS Sheffield CCG has dutifully notified the Information Commissioners Office and you can access this notification via the ICO website at www.ico.org.uk.

11. Your Rights

Organisations that handle personal information have a legal obligation to protect that information under the Data Protection Act 1998. The Act also gives you the general right to apply to see or to be given a copy of the personal information held about you. Maximum fees for access and providing copies are set down by law.

In the event that you consider NHS Sheffield Clinical Commissioning Group has not complied with the Act, either in responding to a request or in our general processing of your personal information, you can contact the Complaints Lead at: sheccg.complaints@nhs.net or using the CCG address below. If you are not satisfied with the response from the CCG then you have the right to complain to, appeal to, or raise your concerns with the Information Commissioner and ask him to investigate whether we have complied with the Data Protection Act 1998.

The Information Commissioner's website is at: www.ico.gov.uk

The postal address is:
Information Commissioner's Office,
Wycliffe House,
Water Lane,

Wilmslow,
Cheshire, SK9 5AF

Enquiry Line: 01625 545700

12. Contact for Further Information

If you are still unsure who to contact send us the name of the service / clinic / location of the service you are enquiring about and we will aim to point you in the right direction.

If you have any further questions then please contact our general enquiries email address: sheccg.sheffieldccg@nhs.net

Or write to:

NHS Sheffield CCG,
722 Prince of Wales Road,
Sheffield, S9 4EU

Appendix A - Legal Basis

Purpose of Activity	Data required	Reason for the data	Legal basis
Complaints	We receive identifiable personal information direct from yourself along with any data from other sources which you give us permission to access to allow us to process and investigate your complaint. The CCG will only hold the minimum information required to process your complaint.	To process your personal information if it relates to a complaint where you have asked for our help or involvement.	Explicit consent is provided to action complaints containing your identifiable information
Individual Funding Requests (IFR)	The initial information can come from Primary Care or other health and care professionals. To continue with using this information for your IFR request we require further information from yourself, along with any data from other sources which you give us permission to access to allow us to process your request	When we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts.	The initial assessment is carried out by a health professional then explicit consent will be gained to continue
Continuing Healthcare	The initial information can come from Primary Care or other health and care professionals. To continue with using this information for your CHC request we require further information from yourself, along with any data from other sources which you give us permission to access to allow us to process your request	We will collect and process your identifiable information where you have asked us to undertake assessments for Continuing Healthcare (a package of care for those with complex medical needs) and commission resulting care packages.	The initial assessment is carried out by a health professional then explicit consent will be gained to continue

Safeguarding	The information may be primary care data or may be information provided from a member of the public or staff	We will need to collect and process identifiable information where there are specific safeguarding concerns	It is not always possible to rely on explicit consent to process information for safeguarding purposes. Where consent cannot be gained we will use a statutory basis
Risk stratification	The data is initially primary care data. This data is then provided to our risk stratification provider who will cross reference the information to give a risk score for patients. The CCG will not see identifiable primary care data.	Identifying patients who are at a high risk of hospital admission. The risk stratification tool used utilises primary care data from GPs or people who have not made a Type 1 objection. This data is pseudonymised and linked with data from NHS Digital to provide a risk score for each patient. The CCG will not see the identifiable data within this process.	The use of identifiable data by CCGs and GPs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority under S251 and this approval has been extended to April 2017.
Invoice Validation	The Invoice validation process involves using your NHS number and occasionally your postcode or date of birth to establish which NHS organisation is responsible for paying for your treatment. The information is only accessible by named staff in a controlled environment.	Information is used within a controlled setting (known as a Controlled Environment for Finance) to ensure that organisations have provided the correct care and can be paid.	Sheffield CCG uses Rotherham CCGs accredited Controlled Environment for Finance (CEfF) under a Section 251 exemption which enables us to process patient identifiable information without consent for the purposes of invoice validation – CAG 7-07(a)(b)(c)/2013.
Commissioning	Secondary Use data is available to the CCG as datasets from NHS Digital.	To collect and report NHS data we are responsible for	We are required to provide NHS Digital with certain datasets of information. The

	<p>The datasets include information about the service users who have received care and treatment from those services that we are responsible for funding.</p> <p>The dataset information is not identifiable. They do not include your name, home address, NHS number, post code or date of birth.</p> <p>Information such as your age, ethnicity and gender as well as coded information about any clinic or accident and emergency attendances, hospital admissions and treatment will be included.</p>		<p>legal basis for this is statutory.</p> <p>The data comes from NHS Digital and relates to service users who are registered to a GP in a CCG area. The datasets are used in a format which does not directly identify individuals.</p>
Patient and public involvement groups	We receive identifiable information direct from yourself	If you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and process personal confidential data which you share with us	Explicit consent is required to use your information for these purposes
Research	We will hold some information in anonymised form to complete research projects. If the research requires identifiable or pseudonymised primary care data then you will be contacted for consent before the information is	To support and conduct research proposals and activities	We will seek explicit consent for research requiring identifiable information. Some research will be conducted using anonymised information. We will not require consent for these purposes

	<p>accessible to the CCG. You can object to your information being used for research purposes in identifiable or non-identifiable form. Please speak to your GP if you wish to notify your objections.</p>		
<p>For other organisations we have commissioned 'Data Processors'</p>	<p>We share the minimum information necessary to allow the data processors to act on our behalf. Each contract will have a specific list of information to be shared and the legal basis allowing us to legitimately share the information.</p>	<p>We commission some services to be provided on our behalf. These are known as 'data processors'.</p>	<p>We have entered into contracts with other NHS organisations to provide some services for us or on our behalf.</p>

Appendix B - Our Data Processors

These are details of our data processors and the function that they carry out on our behalf. All organisations are subject to the same legal rules and conditions for keeping personal confidential data secure and are underpinned by a contract with us.

Data Processor	Purpose
North of England Commissioning Support (NECS), John Snow House, Durham, DH1 3YG	Process person confidential data and calculate predictive risk scores. Hold and manage Sheffield CCGs secure data warehouse.
Rotherham CCG, Oak House, Moorhead Way, Bramley, Rotherham S66 1YY	Process minimal person confidential data for the sole purpose of validating invoices from NHS providers that SCCG does not hold a direct contract with.
University of Sheffield, Western Bank, Sheffield S10 2TN	Process anonymised data for purpose of reviewing services and evaluating service developments.
Sheffield Hallam University, Howard St, Sheffield S1 1WB	Process anonymised data for purpose of reviewing services and evaluating service developments.
Attain Health Management Services Ltd, Halls Barn Farm, North Wraxall, Chippenham, Wiltshire SN14 7AQ	Process anonymised data in relation to certain CCG commissioned hospital services having larger geographical catchment footprints.
MedeAnalytics International Ltd, The Podium, 1 Eversholt Street, Suite 101, London NW1 2DN	Process person confidential data and calculate predictive risk scores, to make available to authorised care providers for optimising care.