

How Your Information is Used - Fair Processing Notice

Who we are

NHS Berkshire West CCG is responsible for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, mental health, rehabilitation, community and primary medical care (GP) services. This is known as commissioning. We need to use information about you to enable us to do this effectively, efficiently and safely.

NHS Berkshire West CCG was established on 1 April 2018 following the merger of North and West Reading, South Reading, Wokingham and Newbury and District CCGs.

The CCG works on four programmes: Urgent Care, Long Term Conditions, Planned Care and Joint Commissioning, these are the four areas covering clinical change projects and other commissioning priorities.

For further information please refer to the 'About Us' page on our internet:

<http://www.berkshirewestccg.nhs.uk/about-us>

What is this Fair Processing Notice about?

This Fair Processing Notice (also known as a Privacy Notice) is part of our programme to make the data processing activities we are carrying out in order to meet our commissioning obligations transparent.

This notice tells you about information we collect and hold about you, what we do with it, how we will look after it and who we might share it with.

It covers information we collect directly from you or receive from other individuals or organisations.

This notice is not exhaustive. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to this address:

NHS Berkshire West CCG
57 - 59 Bath Road

Reviews of and Changes to our Fair Processing Notice

We will keep our Fair Processing Notice under regular review. This notice was last reviewed in March 2018.

Our Commitment to Data Privacy and Confidentiality Issues

We are committed to protecting your privacy and will only process personal confidential data in accordance with the [Data Protection Act 1998](#), the Common Law Duty of Confidentiality and the Human Rights Act 1998.

NHS Berkshire West CCG is a Data Controller under the terms of the Data Protection Act 1998. We are legally responsible for ensuring that all personal information that we process i.e. hold, obtain, record, use or share about you, is done in compliance with the 8 Data Protection Principles.

All data controllers must notify the Information Commissioner's Office (ICO) of all personal information processing activities. Our ICO Data Protection Register number is ZA332155 and our entry can be found in the Data Protection Register on the [Information Commissioner's Office website](#)

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

If you are receiving services from the NHS, we share information that does not identify you (anonymised) 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 that identifies you unless we have a fair and lawful basis such as:

- You have given us permission;
- To protect children and vulnerable adults;
- When a formal court order has been served upon us;

and/or

- When we are lawfully required to report certain information to the appropriate authorities e.g. to prevent fraud or a serious crime;
- Emergency Planning reasons such as for protecting the health and safety of others;
- When permission is given by the Secretary of State or the Health Research Authority on the advice of the Confidentiality Advisory Group to process confidential information without the explicit consent of individuals

The CCG is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

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

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

We will only use the minimum amount of information necessary about you. We will only retain information in accordance with the schedules set out in the [Records Management Code of Practice for Health and Social Care 2016](#).

Overseas Transfers

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

Your Rights

You have certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal confidential data we hold about you.

You have the right to privacy and to expect the NHS to keep your information confidential and secure.

You also have a right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered.

These are commitments set out in the NHS Constitution, for further information please visit <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

You have the right to withdraw consent to us sharing your personal information if you do not wish us to process or share your information.

If you do not agree to certain information being processed or shared with us, or by us, or have any concern, then please let us know. We may need to explain the possible impact this could have on our ability to help you and discuss the alternative arrangements that are available to you.

You have the right to refuse/withdraw consent to information sharing at any time. The possible consequences can be fully explained to you and could include delays in receiving care. If you wish to discuss withdrawing consent please contact: Telephone: **0118 950 3094**.

What is the patient opt-out?

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

Direct care is defined as a clinical, social or public health activity concerned with the prevention, investigation and treatment of illness and the alleviation or suffering of individual.

Indirect care is defined as work within the health and social care which does not involve the direct treatment or support of individuals e.g. research, commissioning and much of the work done in public health.

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

A. Information directly collected by the CCG:

Your choices can be exercised by withdrawing your consent for the sharing of information that identifies you, unless there is no overriding legal obligation.

B. Information not directly collected by the CCG, but collected by organisations that provide NHS services:

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 an 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 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 a '**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 an 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 Contact Centre at enquiries@hscic.gov.uk referencing '**Type 2 Opt-Outs - Data Requests**' in the subject line; or

Alternatively, call NHS Digital on (0300) 303 5678; or

Visit the website <http://digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

There may be occasions when it is not possible to exercise your right to "**Opt Out**", this will be in situations such as when we have an obligation by law or for the purposes of safeguarding.

It is also important to note that by exercising your right to "**Opt Out**", there could be consequences. These situations will be discussed with you by your GP or by NHS Digital depending on whether you choose **Type 1 Opt-Out** or **Type 2 Opt-Out**.

Complaints or questions

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

Subject Access Requests

Individuals can find out if we hold any personal information by making a '**Subject Access Request**' under the Data Protection Act 1998. If we do hold information about you we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it could be disclosed to;
- Let you have a copy of the information in an intelligible form; and
- Correct any mistakes to information held

To make a request for any personal information or you wish us to correct any mistakes to the information we may hold you need to put the request in writing:

Or in writing to:

NHS Berkshire West CCG
57 - 59 Bath Road
Reading
Berkshire
RG30 2BA

Confidentiality Advice and Support

The CCG has an Executive Director responsible for protecting the confidentiality of patient information. This person is called the **Caldicott Guardian** who oversees the arrangements for the use and sharing of patient identifiable information. The Guardian plays a key role in ensuring that the NHS, Councils with Social Services and Public Health responsibilities and Partner Organisations satisfy the highest practical standards for handling patient identifiable information. Acting as the 'conscience' of the organisation, the Caldicott Guardian actively supports work to enable information sharing where it is appropriate to share and advises on options for lawful and ethical processing of information.

The Caldicott Guardian for this organisation is:

Debbie Simmons
Nursing Director
Telephone: 0118 950 3094

Personal Information we collect and hold about you

As a commissioner, we do not routinely hold or have access to your medical records. However, we may need to hold some personal information about you, for example:

- If you have made a complaint to us about healthcare that you have received and we need to investigate
- If you ask us to provide funding for Continuing Healthcare services
- If you ask us for our help or involvement with your healthcare, or where we are required to fund specific specialised treatment for a particular condition that is not already covered in our contracts with organisations that provide NHS care
- If you ask us to keep you regularly informed and up-to-date about the work of the CCG, or if you are actively involved in our engagement and consultation activities or Service User or Patient Participation Groups.

Our records may include relevant information that you have told us, or information provided on your behalf by relatives or those who care for you and know you well, or from health professionals and other staff directly involved in your care and treatment.

Our records may be held on paper or in a computer system. **The types of information that we may collect and use include the following:**

TYPES OF INFORMATION	DESCRIPTION
Identifiable	This is data which contains details which can identify individuals such as name, address, telephone number, date of birth, postcode.
Pseudonymised	This is data that has undergone a technical process that replaces your identifiable information such as NHS number, postcode, date of birth with a unique identifier, which obscures the 'real world' identity of the individual patient to those working with the data.
Anonymised	This is data which does not identify individuals and where there is no risk that identification is likely to take place.
Aggregated	This is anonymised data which is grouped together so that it does not identify an individual
Personal Confidential Data	This term describes personal information about identified or identifiable individuals, which should be kept private or

	<p>secret.</p> <p>For the purposes of this notice:</p> <p>'Personal' is as per the definition of the Data Protection Act but includes data relating to the deceased as well as living people.</p> <p>'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 Data Protection Act.</p>
Sensitive Personal Data	The Data Protection Act defines “sensitive personal data” as information about an individual’s: Racial or ethnic origin; political opinions; religious beliefs; trade union membership; health; sexual life; alleged criminal activity; or court proceedings.

Our Uses of Information

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes and rationale for why we collect and process information:

ACTIVITY PURPOSE	RATIONALE
Complaints	<p>Rationale</p> <p>We will process your personal information where it relates to a complaint where you have asked for our help or involvement.</p> <p>The information we will require when you make a complaint will be:</p> <ul style="list-style-type: none"> • Your name, address and contact telephone number and those of the person that you may be complaining for; including their date of birth and NHS Number • A summary of what has happened, giving dates where possible • Which organisation provided the care or service • A list of things that you are complaining about • What you would like to happen as a result of your complaint

Legal Basis

We will rely on your explicit consent as the legal basis to undertake such activities.

Complaint Process

When we receive a complaint from an individual 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 being provided.

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 NHS retention policy. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

We may use service user stories, following upheld complaints, but individual will remain anonymised. The service user stories will provide a summary of the concern, service improvements identified and how well the complaints procedure has been applied. Consent will always be sought from the service user and carer or both before we use the service user story.

To make a complaint, to go to our Complaints and Compliment webpage:

www.berkshwestccg.nhs.uk/contact-us/complaints-and-compliments

For more information about complaints, please read our [Complaints, Compliments and Concerns Policy](#)

	<p>Benefits Managing complaints enables the CCG to continuously improve the quality of the services they provide.</p>
<p>Individual Funding Request (IFR)</p>	<p>Rationale We will collect and process your personal information where we are required to fund a specific treatment or service for a condition that is not routinely offered by the NHS.</p> <p>This is called an “Individual Funding Request” (IFR).</p> <p>Legal Basis The clinical professional who first identifies that you may need the treatment will explain to you the information that we need to collect and process in order for us to assess your needs and commission your care. We will require your explicit consent which will provide us with the legal basis for collecting your data for this purpose.</p> <p>Benefits The Individual Funding Request process allows Berkshire West CCG to look at evidence for the safety and effectiveness of any treatment and ensures that the services we pay for will give patients the greatest health gains from the finite resources we have available.</p>
<p>Continuing Healthcare</p>	<p>Rationale We will collect and process your identifiable information where you have asked us to undertake assessments for your continuing healthcare which is a package of care that is arranged and funded solely by the NHS for individuals who are not in hospital but have been assessed as having a “primary health need”.</p> <p>This is called “Continuing Health Care” (CHC)</p> <p>Legal Basis The clinical professional who first sees you to discuss your needs will explain to you the information that they need to collect and process in order for us to assess your needs and commission your care. We will rely on your explicit consent as the legal basis to undertake such activities.</p>

	<p>Benefits</p> <p>Berkshire West CCG can arrange a care and support package that meets your assessed needs. The CCG can determine how your needs and care will be managed, where your care will be given e.g. in your own home or in a care home and identify which organization will be responsible for meeting your needs.</p>
<p>Safeguarding</p>	<p>Rationale</p> <p>Safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. It is a key part of providing high-quality health and social care. We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis</p> <p>Because of public interest issues, e.g. to protect the safety and welfare of vulnerable children and adults, we will rely on a statutory basis as our legal basis to process information for this purpose rather than your explicit consent</p> <p>Benefits</p> <p>Safeguarding is a fundamental element of Berkshire West CCG's commissioning plan and forms a core part of the commissioning assurance process.</p>
<p>Risk stratification</p>	<p>Rationale</p> <p>Risk stratification is a process for identifying and managing patients who are at high risk of emergency hospital admission.</p> <p>Data Processing activities for Risk Stratification</p> <p>Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission and primary care data collected in GP practice systems.</p> <p>The CCG will use pseudonymised information to understand the local population needs, whereas GPs will be able to identify which of their patients are at risk in order to offer a preventative service to them.</p>

The CCG has commissioned [Solis](#) to conduct risk stratification on behalf of itself and its GP practices.

[Sollis](#) and [NHS South, Central and West Commissioning Support Unit \(SCWCSU\) – DSCRO](#) are service providers who process data on behalf of the CCG for Risk Stratification purposes.

This processing takes place under contract following the below steps:

- [NHS Digital](#) provides data identifiable by your NHS Number about your acute hospital attendances for risk stratification purposes and has signed a Data Sharing Contract for the Secondary Use Services data.
- Your GP practice instructs its GP IT system supplier to provide primary care data identifiable by your NHS Number for those patients that have not objected to Risk Stratification or where no Type 1 objection has been made by the Patient. The data, containing the same verified NHS numbers, are sent via secure transfer, directly into the landing stage of the [Sollis](#) system.
- Within the landing stage, the risk stratification system automatically links and pseudonymises the identifiable data from GP's and [NHS Digital](#). No identifiable data of any patient is seen by the CCG.

[Sollis](#) has set up a formula to analyse the data in pseudonymised form to produce a risk score for each patient. This information is available to [SCWCSU DSCRO](#).

The risk scores are *only* made available to authorized users within the GP Practice where you are registered via a secure portal managed by [Sollis](#) and [SCWCSU DSCRO](#).

This portal allows only the GPs to view the risk scores for

	<p>the individual patients registered in their practice in identifiable form.</p> <p>If you do not wish information about you to be included in our risk stratification programme, please contact your GP Practice. They can add a code to your records that will stop your information from being used for this purpose.</p> <p>Further information about risk stratification is available from: https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/</p> <p>Legal Basis</p> <p>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 and this approval has been extended to April 2017 which gives us a statutory legal basis under Section 251 of the NHS Act 2006 to process data for risk stratification purposes. We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality.</p> <p>Benefits</p> <p>CCGs and GPs use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions. Typically this is because patients have a long term condition such as Chronic Obstructive Pulmonary Disease. NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions.</p> <p>Knowledge of the risk profile of our population will help the CCG to commission appropriate preventative services and to promote quality improvement in collaboration with our GP practices.</p>
<p>Invoice Validation</p>	<p>Rationale</p> <p>The Invoice Validation process ensures that care providers</p>

who provide you with care and treatment can be paid for the services they provide.

Care providers submit their invoices to [NHS Shared Business Services](#) (NHS SBS) who process invoices on behalf of NHS Berkshire West CCG. [NHS SBS](#) do not require and should not receive any patient confidential data to provide their services.

There are situations where patient identifiable data is required to ensure that the correct service provider is paid.

In such cases service providers are required to send patient identifiable data to a Controlled Environment for Finance (CEFF) which is a secure restricted area within [SCWCSU](#) who process this data on our behalf and indicate which invoices we can validate (authorize) for payment. 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.

For more information see:

<https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/>

Legal Basis

The legal basis for [SCWCSU](#) to receive personal identifiable data for the purposes of invoice validation is provided by Section 251 of the NHS Act 2006.

Benefits

The invoice validation process supports the delivery of patient care by ensuring that:

- service providers are paid for patients treatment,
- enables services to be planned, commissioned, managed and subjected to financial control,
- enables commissioners to confirm that they are paying appropriately for the treatment of patients for whom they are responsible
- fulfilling commissioners duties of fiscal probity and scrutiny

	<ul style="list-style-type: none"> • enables invoices to be challenged and disputed or discrepancies resolved
<p>Patient and Public Involvement</p>	<p>Rationale If you have asked us to keep you regularly informed and up to date about the work of the CCG or if you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and process personal confidential data which you share with us.</p> <p>This is called ‘Patient and Public Involvement’</p> <p>Where you submit your details to us for involvement purposes, we will only use your information for this purpose. You can opt out at any time by contacting us using our contact details at the end of this document.</p> <p>Legal Basis We will rely on your consent as a legal basis for this purpose.</p> <p>Benefits If you would like to find out more information on how to get involved and how this benefits Berkshire West CCG, please see our Have Your Say pages</p>
<p>Commissioning</p>	<p>Rationale To collect NHS data about service users that we are responsible for.</p> <p>Legal Basis We have a statutory legal basis for collecting and processing information for this purpose.</p> <p>Processing Activities Hospitals and community organisations that provide NHS-funded care must submit certain information to NHS Digital about services provided to our service users.</p> <p>This information is generally known as commissioning datasets. The CCG obtains these datasets from NHS Digital and they relate to service users registered with GP Practices that are members of the CCG.</p>

These datasets are then used in a format that does not directly identify you, for wider NHS purposes such as managing and funding the NHS, monitoring activity to understand and plan the health needs of the population, and to gain evidence that will improve health and care through research.

The datasets include information about the service users who have received care and treatment from those services that we are responsible for funding. The CCG is unable to identify you from these datasets. They do not include your name, home address, NHS number, post code or date of birth. 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.

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

More information about how this data is collected and used by NHS Digital is available on their website <http://digital.nhs.uk>

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

Benefits

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

- Performance managing contracts;
- Reviewing the care delivered by providers to ensure service users are receiving quality and cost effective care;
- To prepare statistics on NHS performance to understand health needs and support service re-design, modernisation and improvement;
- To help us plan future services to ensure they continue to meet our local population needs;
- To reconcile claims for payments for services received in your GP Practice;
- To audit NHS accounts and services.

	<p>If you do not wish your information to be included in these datasets, even though it does not directly identify you to us, please contact your GP Practice and they can apply a code to your records that will stop your information from being included.</p>
<p>Primary and Secondary Care</p>	<p>Rationale We commission a number of organisations to provide primary and secondary healthcare services to you. These organisations may be within the NHS or outside the NHS.</p> <p>Primary Care services cover GP Practices, Dental Practices, Community Pharmacies and high street Optometrists.</p> <p>Secondary Care services are usually (but not always) delivered in a hospital or clinic with the initial referral being received from primary care.</p> <p>These organisations may share identifiable, pseudonymised, anonymized, aggregated, personal confidential and sensitive personal data information with us for the following purposes:</p> <ul style="list-style-type: none"> • To look after the health of the general public such as notifying central NHS groups of outbreaks of infectious diseases • To undertake clinical audit of the quality of services provided • To carry out risk profiling to identify patients who would benefit from proactive intervention • To perform case management where the NHS offers intervention and integrated care programmes involving multiple health and social care providers • To report and investigate, complaints, claims and untoward incidents • To prepare statistics on our performance for the Department of Health • To review out care to make sure that it is of the highest standard <p>Legal Basis Your information is only accessed by authorised persons and not disclosed unless necessary. We will never share your</p>

	<p>personal information unless a legal basis has been identified for the different purposed of sharing or we have obtained your explicit consent.</p> <p>Benefits Through sharing information ethically and lawfully the NHS is able to improve its understanding of the most important health needs and the quality of the treatment and care provided.</p>
<p>Cabinet Office</p>	<p>Rationale The Cabinet Office is responsible for carrying out data matching exercises. Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.</p> <p>We participate in the Cabinet Office’s National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise, as detailed here.</p> <p>Legal Basis The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.</p> <p>Data matching by the Cabinet Office is subject to a Code of Practice.</p> <p>View further information on the Cabinet Office’s legal powers and the reasons why it matches particular information.</p> <p>https://www.gov.uk/government/publications/code-of-</p>

	data-matching-practice-for-national-fraud-initiative
National Registries	National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.
Research	<p>Data may be collected for the purpose of research.</p> <p>Research can be undertaken using information that does not identify you (anonymised). The law does not require your consent to be obtained in this case but information should be made available to you where your anonymised data is used for the purposes of research. Information can be made available either in waiting rooms, using information leaflets, published on notice boards, waiting room screens and/or an organisations website.</p> <p>Where identifiable data is needed for research, you may be approached by an organisation that has provided you with care and asked if you wish to participate in a research study. Where identifiable data is required, an organisation must obtain informed consent. A member of the research team will discuss the research study with you and will provide you with information on what the study is about, what information they wish to collect, how to opt out and who to contact for more information.</p> <p>If you do not wish your information to be used for research, whether identifiable or non-identifiable, please let your GP Practice know. They will add a code to your records that will stop your information from being used for research.</p> <p>Legal Basis Your informed consent will be obtained as the legal basis to process identifiable information for research purposes.</p> <p>Benefits Results from research studies can provide a direct benefit to individuals who take part in medical trials and indirect benefit to the population as a whole.</p>

Support Services

The CCG will use other organisations to provide us with support services. These organisations will process information on our behalf. These organisations are known as “data processors” and will provide additional expertise to support the work of NHS Berkshire West CCG

Legal Basis

NHS Berkshire West CCG are committed to ensure that a legal basis is identified for all flows of personal identifiable to external organisations.

The CCG ensures that this is supported by use of an NHS Standard Contract which is mandated by NHS England for use by commissioners for all contracts for healthcare services other than primary care. The NHS Standard Contract covers:

- confidential information of all parties (Section: GC20),
- patient confidentiality, data protection, freedom of information and transparency (Section: GC21)

In addition a Data Sharing Framework Contract (DSFC) and Data Sharing Agreement (DSA) are in place with [NHS Digital](#) for the release of patient level data and Service Level Agreements are in place with [NHS South Central and West Commissioning Support Unit \(SCWCSU\)](#) for the services they provide.

The below tables outline the organisations we use, services they provide and legal basis for processing your information:

NHS SOUTH, CENTRAL & WEST COMMISSIONING SUPPORT UNIT (SCWCSU)		
Purpose	Type of Data	Legal Basis
PALs and Complaints	<ul style="list-style-type: none"> • personal • sensitive 	Consent
Freedom of Information Requests	<ul style="list-style-type: none"> • personal 	Consent
Subject Access Requests	<ul style="list-style-type: none"> • personal • sensitive 	Consent
Individual Funding Requests	<ul style="list-style-type: none"> • personal • sensitive 	Consent
Continuing Healthcare	<ul style="list-style-type: none"> • personal 	Consent

	<ul style="list-style-type: none"> • sensitive 	
Invoice Validation	<ul style="list-style-type: none"> • personal • sensitive 	S251 NHS Act 2006
Risk Stratification	<ul style="list-style-type: none"> • personal • sensitive 	S251 NHS Act 2006
Assurance:		
<ul style="list-style-type: none"> • Legal Basis identified for each data flow • Service Level Agreement in place between Berkshire West CCG and SCWCSU. 		

NHS SOUTH, CENTRAL & WEST COMMISSIONING SUPPORT UNIT (SCWCSU)
DSCRO

Purpose	Type of Data	Legal Basis
Invoice Validation	<ul style="list-style-type: none"> • personal 	S251 NHS Act 2006
Risk Stratification	<ul style="list-style-type: none"> • personal • sensitive 	S251 NHS Act 2006
Secondary Use Service (SUS)	<ul style="list-style-type: none"> • personal • sensitive • pseudonymised 	S251 NHS Act 2006 Health and Social Care Act 2012
Local Flows from Acute, Ambulance, Demand for Service, Diagnostic Services, Emergency Care, Experience, Quality & Outcomes, Mental Health, Population, Primary Care, Public Health Screening	<ul style="list-style-type: none"> • personal • sensitive • pseudonymised 	Health and Social Care Act 2012
Mental Health Services	<ul style="list-style-type: none"> • sensitive • pseudonymised 	Health and Social Care Act 2012
Improving Access to Psychological Therapy	<ul style="list-style-type: none"> • sensitive • pseudonymised 	Health and Social Care Act 2012
Maternity	<ul style="list-style-type: none"> • sensitive • pseudonymised 	Health and Social Care Act 2012
Mental Health Learning Disability	<ul style="list-style-type: none"> • sensitive • pseudonymised 	Health and Social Care Act 2012
Diagnostic Imaging	<ul style="list-style-type: none"> • sensitive 	Health and

	<ul style="list-style-type: none"> • pseudonymised 	Social Care Act 2012
Child and Young People Health Service	<ul style="list-style-type: none"> • sensitive • pseudonymised 	Health and Social Care Act 2012
Additional Assurance: <ul style="list-style-type: none"> • Legal Basis identified for each data flow • Data Sharing Framework Contract • Data Sharing Agreement 		

Data Linkage

Data may be de-identified and linked by organisations so that it can be used to improve health care and development and monitor NHS performance. Where data is used for these statistical purposes, stringent measures are taken to ensure individual patients cannot be identified. When analysing current health services and proposals for developing future services it is sometimes necessary to link separate individual datasets to be able to produce a comprehensive evaluation. This may involve linking primary care GP data with other data such as secondary uses service (SUS) data (inpatient, outpatient and A&E). In some cases there may also be a need to link local datasets which could include a range of acute-based services such as radiology, physiotherapy, audiology etc. as well as mental health and community-based services such as Improving Access to Psychological Therapies, district nursing, podiatry etc. When carrying out this analysis, the linkage of these datasets is always done using a unique identifier that does not reveal a person's identity as the CCG does not have any access to patient identifiable data.

Data Retention

NHS Berkshire West CCG will approach the management of its business records in line with the [Records Management NHS Code of Practice for Health and Social Care](#) which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

The CCGs records shall not be retained indefinitely. At the end of the retention, records shall be disposed of. In most cases this will mean controlled destruction; a small percentage of records may become archived meaning that they will be retained indefinitely under the Public

Information Governance

Information Governance is to do with the way organisations ‘process’ or handle information. It covers personal information relating to patients, service users, employees, and corporate information (financial and accounting records.)

The Organisations that we do business with are subject to the same legal rules and conditions for keeping personal confidential data and secure and are underpinned by a contract with us.

Before awarding any contract, we ensure that organisations will look after your information to the same high standards that we do. Those organisations can only use your information for the service we have contracted them for and cannot use it for any other purpose. All organisations are required to complete a Department of Health Information Governance Toolkit which draws together the legal rules and central guidance and presents them in a single standard set of information governance requirements which covers management structures and responsibilities, confidentiality, data protection and information security. All organisations are required to achieve a Level 2 score which demonstrates that organisations can be trusted to maintain the confidentiality and security of personal information and in-turn increases public confidence that the NHS and its partners can be trusted with personal data.

Contact us

If you have any questions or concerns regarding how we use your information, please contact us at:

Post:

**NHS Berkshire West CCG
57 - 59 Bath Road
Reading
Berkshire
RG30 2BA**

Tel: 0118 950 3094

Independent Advice

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

**Information Commissioner
Wycliffe House, Water Lane,
Wilmslow,**

Cheshire, SK9 5AF.

Phone: 08456 306060 or 01625 545745

Website: www.ico.gov.uk

Further information

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

- **The NHS Care Record Guarantee:** This guarantee is a commitment that NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.
<http://systems.hscic.gov.uk/rasmartcards/documents/crg.pdf>
- **The NHS Constitution:** The Constitution establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities, which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively
<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- **To share or not to share? Information Governance Review:** This was an independent review of information about service users shared across the health and care system led by Dame Fiona Caldicott and was conducted in 2012.
<https://www.gov.uk/government/publications/the-information-governance-review>
- **NHS Commissioning Board – Better Data, Informed Commissioning, Driving Improved Outcomes: Clinical Data Sets:** Provides further information about the data flowing within the NHS to support commissioning.
<http://www.england.nhs.uk/wp-content/uploads/2012/12/clinical-datasets.pdf>
- **NHS Digital – Guide to Confidentiality** NHS Digital are the trusted national provider of high-quality information, data and IT systems for health and social care and are responsible for collecting data from across the health and social care system.
<http://digital.nhs.uk/patientconf>
- **Information Commissioner’s Office (ICO):** The ICO is the Regulator for the Data Protection Act 1998 and offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information.
<http://www.ico.org.uk>
- **Health Research Authority:**
The HRA protects and promotes the interests of patients and the public in health and social care research. <http://www.hra.nhs.uk>