

DATA USE SHARING POLICY AND GUIDELINES



Version	Date	Version Created By	Version Approved By	Comments
V1	Jan 2018	TA	LC	Initial Policy
V2	Jan 2019	TA	LC	Minor modifications as part of a review. Clarity on subject access request.

1. Who we are?

Surrey Physio Group has been commissioned by the CCG of Wandsworth & NE Hants for MSK AQP, we are also a private practice with Physiotherapists and Osteopaths. We are responsible for your wellbeing, physical difficulties resulting from illness, injury, disability or ageing to improve movement. We will devise and review treatment programmes using manual therapy, therapeutic exercise and electrotherapy.

2. What is a 'Privacy Notice' and what does it mean for me?

Surrey Physio Group treats the confidentiality of the data we hold about people very seriously. This privacy notice provides an overview of the information we hold, why we hold it and how we store it securely.

This privacy notice is part of our programme to make the data processing activities we carry out in order to meet our obligations transparent.

This privacy 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.

Surrey Physio's pledge to service users that it will respect you, provide opportunities for informed consent and treat your personal data with confidentiality. Furthermore, you have the right of complaint should things go wrong.

Surrey Physio emphasises the rights you have to request copies of your personal data; it is our duty to retain accurate records and how that data is protected under the General Data Protection Regulation 2018. It requires good practice our staff to discuss with you and agree what information they will keep about you. This privacy notice will be reviewed on a regular basis to ensure it is in line with national guidance and legislation.

3. How do we comply with data privacy and confidentiality issues?

We are committed to protecting your privacy and will only process personal confidential data in accordance with the **General Data Protection Regulation (GDPR) 2018**, the **Common Law Duty of Confidentiality** and the **Human Rights Act 1998**.

Personal confidential data describes personal information about identified or identifiable individuals, which should be kept private or secret and includes deceased as well as living people.

Examples of identifiable data are:

- Name;
- Address;
- Postcode;
- Date of Birth;
- NHS Number.
- Email address.

Personal data means data which relates to a living individual who can be identified:

From that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive personal data is different from Personal Data. Sensitive personal data means personal data consisting of information as to:

- the racial or ethnic origin of the data subject;
- their political opinions;
- their religious beliefs or other beliefs of a similar nature;
- their physical or mental health or condition;
- their sexual life;
- the commission or alleged commission of any offence, or;
- any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

Surrey Physio is a Data Controller under the terms of GDPR 2018. This means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be processed.

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 GDPR 2018.

Everyone working for Surrey Physio has a legal duty to keep information about you confidential. Surrey Physio will use records about you in ways that respect your rights and promote your health and wellbeing.

Surrey Physio share information that does not identify you, this is called anonymised data.

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. GDPR controls how organisations use 'personal data' – that is, information which allows individuals to be identified.

Organisations are increasingly reliant on anonymisation techniques to enable wider use of personal data. The code of practice explains the issues surrounding the anonymisation of personal data, and the disclosure of data once it has been anonymised. The code describes the steps an organisation can take to ensure that anonymisation is conducted effectively, while retaining useful data.

Pseudonymised data/information is anonymous to the people who hold or receive it (e.g. a research team), but contains information or codes that would allow others (e.g. those responsible for the individual's care) to identify an individual from it. (Also referred to as linked anonymised).

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;
- When we are lawfully required to report certain information to appropriate authorities e.g. to prevent fraud or a serious crime;
- Emergency planning reasons such as for protecting the health and safety of others;

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 our staff, receive appropriate and ongoing 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, and will only retain information in accordance with the schedules set out in the **Records Management Code of Practice for Health and Social Care 2016.**

4. What is a Caldicott Guardian?

A Caldicott Guardian is a senior person responsible for protecting the confidentiality of patient and service-user information and enabling appropriate information-sharing.

The Caldicott Guardian plays a key role in ensuring that our service responsibilities satisfy the highest practical standards for handling patient identifiable information.

Acting as the 'conscience' of our company, 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 also has a strategic role, which involves representing and championing Information Governance requirements and issues at Governing Body or executive management team level and, where appropriate, at a range of levels within the organisation's overall governance framework.

The contact details for our Caldicott Guardian, Lorraine Carey, are below in **Contact Us** of this notice.

5. What personal information does Surrey Physio collect and hold?

As a MSK AQP provider 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 for our help or involvement with your healthcare.
- If you ask us to keep you regularly informed and up to date about the work of Surrey Physio, or if you are actively involved in our engagement and consultation activities or service user/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 electronically within our computer systems. The types of information that we may collect and use include the following:

- Personal Confidential information;
- Pseudonymised information;
- Anonymised information.

6. Who else has access to my personal information?

Surrey Physio may share information with third party organisations to help with the provision of services within the health and social care, eg; GP's Consultants, NHS CCG

Surrey Physio define 'processing' of data as, obtaining, recording or holding the information or data or carrying out any operation or set operations on the data , including:

- Organisation, adaptation or alteration of the information or data;
- Retrieval, consultation or use of the information or data;
- Disclosure of the information or data by transmission, dissemination or otherwise making available, or alignment, combination, blocking, erasure or destruction of the information or data.

Data sharing agreements (contracts) between Surrey Physio (data controller) and third party organisations (data processors) are in place, and reviewed on a yearly basis to ensure they are still compliant with national legislation.

Below are key examples of the purposes and rationale for why we collect and process information:

Purpose	Why?
Complaints	<p>To process your personal information if it relates to a complaint where you have asked for our help or involvement.</p> <p>Legal Basis We will need to rely on your explicit consent to undertake such activities.</p> <p>Complaint Processing Activities 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.</p> <p>We will only use the personal information we collect to process the complaint and to check on the level of service being provided.</p> <p>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.</p> <p>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.</p> <p>We will keep personal information contained in complaint files in line with Surrey Physio's policy. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.</p> <p>We may use service user stories, following upheld complaints, but always anonymously. The service user stories will provide a summary of the concern, service improvements identified and how well the complaint procedures have been applied. Consent will always be sought from the service user before we use the service user story.</p>
Funding treatment	<p>We will collect and process your personal information where we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts.</p> <p>This may be called an "Individual Funding Request" (IFR)</p>

	<p>Legal Basis</p> <p>The clinical professional who first identifies that you may need the treatment will explain to you the information that we need to collect and process in order for us to assess your needs and commission your care, and gain your explicit consent.</p>
Continuing Healthcare	<p>We will collect and process your identifiable information where you have asked us to undertake assessments for Continuing Healthcare.</p> <p>Legal Basis</p> <p>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 address your needs and commission your care and gain your explicit consent.</p>
Safeguarding	<p>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 rather than consent to process information for this use.</p>
Invoice Validation	<p>The Invoice Validation process ensures that care providers who provide you with care and treatment can be paid for the services they provide.</p> <p>Care providers submit their invoices to NHS CCG who process invoices on behalf of Surrey Physio. NHS CCG not require and should not receive any patient confidential data to provide their services.</p> <p>There are situations where patient identifiable data is required to ensure that the correct service provider is paid.</p> <p>In such cases service providers are required to send patient identifiable data to a Controlled Environment for Finance which is a secure restricted area within the CCG who process this data on our behalf and indicate which invoices we can validate/authorise payment.</p> <p>Legal Basis</p> <p>The invoice validation process supports the delivery of patient care by ensuring that:</p> <ul style="list-style-type: none"> • Surrey Physio are paid for patient's treatment • Enables services to be planned, commissioned, managed and subjected to financial control • Enables NHS CCG to confirm that they are paying appropriately for the treatment of patients for whom they are responsible for • Enables invoices to be challenged and disputed or discrepancies resolved.
Patient and Public Involvement	<p>If you have asked us to keep you regularly informed and up to date about the work of Surrey Physio or if you are actively involved in our engagement consultation activities or patient participation groups, we will collect and process personal confidential data which you share with us.</p> <p>Legal Basis</p>

	<p>We will obtain your consent for this purpose, when you initially contact us to get involved in our engagement and consultation activities.</p> <p>Benefits</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>
Primary and Secondary Care	<p>Surrey Physio receive referrals from Consultants, GP's and other organisations to provide primary and secondary healthcare services.</p> <p>These organisations may share identifiable, pseudonymised, anonymised, 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 • To undertake clinical audit of the quality of services we provide • To report and investigate, complaints, claims and untoward incidents; • To review our care to make sure that it is of the highest standard. <p>Legal Basis</p> <p>Your information is only accessed by authorised persons and not disclosed unless necessary. We will never share your personal information unless a legal basis has been identified for the different purposes of sharing or we have obtained your explicit consent.</p> <p>Benefits</p> <p>Through sharing information ethically and lawfully Surrey Physio is able to improve its understanding of the most important health needs and the quality of the treatment and care provided.</p>
Recording of Telephone Calls	<p>All telephone calls to and from Surrey Physio are recorded.</p> <p>Benefits</p> <p>This is to help us ensure that we provide the best possible service to patients/clients. This helps us to deliver care and identify ways that we can provide you with a better service.</p>

7. Is my data transferred overseas or sold for profit to other organisations?

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.

Surrey Physio will never sell any information about you to other organisations for profit.

8. What are my rights?

You have certain legal rights, including a right to have your information processed fairly and lawfully and the right to access any personal confidential data we hold about you. You can do this through a Subject Access Request. You have the right to privacy and to expect Surrey Physio 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.

You have the right to withdraw consent to us sharing your personal confidential data if you do not wish us to.

If you do not agree to certain information being processed or shared with us, or by us, or have any concerns, then please let us know by contacting Lorraine Carey Group Practice Manager. Contact details are below.

9. Can I opt out of my data being shared?

Surrey Physio 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”.

You can **Opt Out** if you do not want your personal confidential data that identifies you (Name, Address, Postcode, Date of Birth, NHS Number) to be shared outside of Surrey Physio. This prevents your personal confidential data from being used other than in particular circumstances required by law.

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.

10. Can I request a copy of all information held about me?

This right, commonly referred to as subject access, is allowed under GDPR 2018. It is most often used by individuals who want to see a copy of the information an organisation holds about them. However, the right of access goes further than this, and an individual who makes a written request and pays a fee is entitled to be:

- Told whether any personal data is being processed;
- Given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- Given a copy of the information comprising the data, and given details of the source of the data (where this is available).

In most cases Surrey Physio must respond to a subject access request promptly and in any event within 40 calendar days of receiving it.

If you would like to make a Subject Access Request to obtain a copy of the personal confidential data held by Surrey Physio on yourself, please contact:

F.A.O Lorraine Carey
Croydon Physio Ltd
1 Upper Selsdon
Croydon
Surrey
CR2 8DD

Telephone: 020 8651 3315

Email: lorraine@surreyphysio.co.uk

PLEASE NOTE that Surrey Physio reserves the right to charge for Requests for Medical Records under the Medical Reports Act 1998 if requested by a medico-legal company. If a subject access request is made by a patient, this is free.

11. Who should I contact if I have a complaint or question on how my data is being held and processed?

We are committed to providing the best possible service at all times. We welcome your suggestions and feedback about our services and want to resolve any problems you may experience to help make Surrey Physio more effective. We oversee all comments, concerns, compliments and complaints that are received.

If you have received particularly good service from any of our staff or you have any comments / suggestions to make, please let them know. This information will help us to keep improving our services.

You can provide feedback directly Lorraine Carey Group Practice Manager in writing, by email, by telephone or in person (by appointment only):

Croydon Physio

1 Upper Selsdon Road

Croydon, Surrey CR2 8DD

Telephone: 020 8651 3315

Email: lorraine@surreyphysio.co.uk

How to make a formal complaint?

Many complaints can be resolved quickly by discussing them directly with the person providing the service or the Practice Manager of the clinic where you received your treatment or our Group Practice Manager. However, if you do want to make a formal complaint, let us know as soon as possible.

Who can complain?

Anyone who is receiving, or has received, treatment or services can complain, as can anyone affected by the outcome of actions. If you are unable to make a complaint yourself, then someone can act on your behalf with your written consent.

Young persons (age 16 and over) are entitled to complain independently. Surrey Physio cannot consider a complaint made on behalf of a young person unless they are sure that the young person is unable to complain themselves. If a complaint is made on behalf of a child who is under the age of 16, unless there is clear medical evidence that they have been assessed as being Gillick competent, (a standard which is based upon UK case law) then no authority from the child will be needed to respond to a complaint made by those with parental responsibility. If however, there is clear evidence that the child is Gillick competent, then their express authority should be obtained before responding to the complaint as it will involve disclosing confidential patient information.

What information will be needed to make my complaint?

- Your name, address and contact telephone number and those of the person that you may be complaining for; including their date of birth.
- A summary of what has happened, giving dates where possible.
- Which clinic 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.

What can I expect?

The Practice Manager of the clinic or Group Practice Manager will contact you and agree the best way forward for investigating the complaint, taking into account your desired outcome. The issues will be fully investigated and you should then receive your response (which can be a written response or a meeting with relevant staff) within the agreed timescales. Please do not worry about the service you receive in future being adversely affected because you have made a complaint. We take all comments seriously and only use the information to review our services and make improvements, where needed.