

Privacy Notice

Who we are and what do we do

NHS Norfolk and Waveney Clinical Commissioning Group has responsibility for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, mental health services, rehabilitation and community services. This is known as commissioning. We need to use information about you to enable us to do this effectively, efficiently and safely.



For further information about our clinical commissioning group please refer to the 'About Us' page on our website.

We are also responsible for arranging unplanned care services, commissioning specialist services for individual patients and supporting the system to manage a national emergency. In addition, we monitor the performance of services to ensure they are safe, provide high quality care and meet the needs of the local population. Part of this performance management responsibility includes responding to any concerns from our patients about these services.

What is a Privacy Notice?

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. 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 our Data Protection Officer.

This notice applies to all information held by the CCG relating to individuals, whether you are a current or previous patient / service user. We revise our Privacy Notice on an annual basis to ensure that it continually provides transparent information about the use of your data. This notice was updated on **6th October 2021**.

This notice will be reviewed in **December 2021**.

Our Commitment to Data Protection and Confidentiality

We are committed to protecting your privacy and will only process personal information in accordance with GDPR and the Data Protection Act, the common law duty of confidentiality and the Human Rights Act 1998.

NHS Norfolk and Waveney CCG is a data controller and are therefore legally responsible for ensuring that all personal information is only processed in accordance data protection legislation, and that you have the ability to exercise your rights in respect of your information.

All data controllers must register their processing activities with the Information Commissioner's Office (ICO). Details of our registration can be found at [NHS Norfolk and Waveney CCG – ZA624020](#).

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

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

The CCG work with our data processor, Arden GEM Commissioning Services Unit (AGEM CSU), to ensure that information is held in secure locations with restricted access to authorised personnel only. We protect any personal information that is held on our systems with encryption so that it cannot be accessed by those who do not have permission to do so.

Types of Information We Hold

We need to use information about you in various forms and will only use the minimum necessary for the intended purpose. Where possible, we will only use information that does not identify an individual.

The CCG uses and process several different types of information such as:

- **Anonymised information** – which is about the use of services in Norfolk and Waveney, but cannot identify you personally.
- **Pseudonymised data** – which does not reveal an individual's "real world" identity to the CCG, but can be used by your health care provider to identify you using a deciphered code.
- **Aggregated data** – that again does not reveal the identity of a person, but group's health activity data together to provide the CCG with statistical data on trends or gaps in services.
- **Identifiable information** – such as your name, address, date of birth, NHS number, email address

- **Special Category Data (aka confidential data)** - such as specific details about your health that warrants higher levels of protection.

Throughout this Notice you will see reference to an organisation called NHS Digital. They are the national body responsible for data management and information processing in health and social care. NHS Digital is legally responsible for receiving identifiable information from Primary Care and Secondary Care Providers in a secure manner, so that it can be reformatted into a dataset that can be legally used by clinical commissioning groups.

Our Uses of Information

Although this is not an exhaustive listing, the following table provides key examples of the purposes and rationale for why the CCGs collect and process personal information:

Purpose / Activity	Rationale
<p>Commissioning</p>	<p>Why: To collect NHS data about patients that we are responsible for to support the planning and monitoring of health care services.</p> <p>Legal Basis: Section 251 NHS Act 2006, Health and Social Care Act 2012</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 local population.</p> <p>This information is generally known as commissioning datasets. The CCG obtains these datasets from NHS Digital. These datasets are used in a format that does not directly identify you for the purposes of managing and funding the NHS, monitoring activity inform the way we plan and commissioning services, and to gain evidence on how we can improve health and care services.</p> <p>The datasets do contain details of gender, numbers of patients in each age bracket, and clinical activity. But the level of information provide is not sufficient to re-identify you.</p> <p>CCGs are required to adopt strict security controls when using these commissioning datasets under a Data Processing Contract with NHS Digital that is reviewed and refreshed on an annual basis.</p> <p>We also receive similar information our GP Practices, however we cannot identify individual patients from this data. The data is used to:</p>

	<ul style="list-style-type: none"> • Performance manage contracts • Ensure patients are receiving quality and cost-effective care • Prepare statistics on NHS performance for NHS England, and to support service redesign, modernisation and improvement • Plan future services • Reconcile claims for payments for services • Audit NHS accounts <p>If you do not wish to your information to be captured in these datasets, you can raise an opt-out. Further details of you to do this is contained within this Notice.</p>
<p>Invoice Validation</p>	<p>Why: We will need to use limited information about individual patients when validating invoices received for healthcare provided, in most cases limited data such as the practice code is used to make such payments. In some instances, information to confirm that you are registered at a GP Practice within our area is needed to make such payments to ensure the invoice is accurate and genuine.</p> <p>This will be performed in a secure environment and will be carried out by a limited number of authorised staff.</p> <p>Legal Basis: Section 251 NHS Act 2006, Health and Social Car Act 2012</p> <p>The Norfolk and Waveney CCG has an 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</p> <p>Commissioning Benefits: As we are responsible for paying for care, we may need to ask for evidence of the care provided, to ensure that it was appropriate, provided by the right organisation and to ensure it was the best use of public funding.</p> <p>Processing activities: The CCG has entered into a CEfF contract with Arden GEM Commissioning Support Unit, which is authorised by NHS England. In addition we have commissioned the services of NHS Shared Business Service to work with AGEM CSU to collect, process and validate invoices.</p> <p>The process involves a limited number of authorised staff using your NHS number, postcode and/or date of birth to establish whether we are responsible for paying for your care. The minimum information necessary is always used for this purpose.</p>

Risk Stratification

Why: Risk stratification is a process for identifying and managing patients who should be classified as “at risk of an emergency hospital admission or deterioration in health”. This is achieved by using selected information such as age, gender, diagnoses and patterns of hospital attendance and admission collected by NHS Digital from NHS providers.

Risk stratification is used in the NHS to:

- Help decide if a patient is at greater risk of suffering a particular condition
- Prevent an emergency admission to hospital
- Identify if a patient needs medical help to prevent a health condition from getting worse.

Legal Basis: Section 251 NHS Act 2006

We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect confidentiality.

Under a Section 251 exemption The Secretary of State for Health and Social Care has approved NHS England’s application to establish a temporary lawful basis to process limited personal information for risk stratification processes.

Commissioning Benefits: NHS England encourages CCGs and GPs to use risk stratification tools to develop strategies to support patients with long term conditions and to help prevent avoidable admissions, by predicting when a deterioration in health is likely to occur.

Knowledge of the risk profile of our patients helps the CCG to commission appropriate preventative services and to promote quality improvements in existing services.

Processing activities: Risk stratification tools use various combinations of historic data about patients such as age, gender, diagnosis, hospital attendances and admissions, and primary care data collected by your GP.

The CCG will use pseudonymised information to understand the local population’s needs, but cannot identify individual patients. However GPs can drill down into this data to identify their patients and offer a preventative service to them.

The CCG has commissioned the services of two authorised Risk Stratification Providers to provide risks stratification tools that have been approved by NHS Digital:

	<ul style="list-style-type: none"> • Prescribing Services Limited; and • Arden GEM Commissioning Support Unit <p>Risk stratification takes place under a contract to ensure that contractual obligations on the providers are enforceable. The process involves:</p> <ul style="list-style-type: none"> • The CCG has a data sharing contract in place with NHS Digital which enables Prescribing Services Limited and AGEM CSU to pull NHS numbers and hospital attendance information into their risk stratification tools • Our GP Practices also have a data sharing contract in place with Prescribing Services Limited and AGEM CSU to pull NHS numbers and primary care data into their risk stratification tools. • The risk stratification tools automatically links the data via the NHS number, to create a pseudonymised report and risk score for each patient. These risk scores are only made available to authorised staff involved in direct patient care, via a secure IT system. <p>If you have indicated that you do not want your information to be used for risk stratification, by raising an opt-out, your information will not appear in the above reports.</p>
<p>Population Health Management</p>	<p>Why: Population health management refers to ways of bringing together health-related data to identify a specific population that health services may then prioritise. For example, data may be used to identify groups of people who are frequent users of accident and emergency departments. This way of using data is also sometimes called ‘population segmentation’. The purpose of population health management is to reduce health inequalities and improve overall outcomes.</p> <p>Legal Basis: Performance of a task carried out in the public interest and Management of the Health and Social Care System and Services Articles 6(1)(e) and 9(2)(h) of GDPR:</p> <ul style="list-style-type: none"> • Articles 6(1)(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. • Article 9(2)(h) - processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health

	<p>professional and subject to the conditions and safeguards referred to in paragraph 3 of Article 9</p> <p>Processing Activities: Using existing approved Risk Stratification tools, commissioners can access pseudonymised historic and current data to understand what factors are driving poor outcomes in different population groups. This information is used to inform service redesign and implement proactive models of care. PHM takes into consideration data from the NHS and other public services, to ensure that the interdependencies that can affect people’s health and wellbeing are taking into consideration.</p>
<p>Handling Continuing Healthcare (CHC) Applications</p>	<p>Why: If you make an application for CHC funding the 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.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>Processing Activities: The clinical professional who first sees the patient to discuss their needs will explain what information will be collected and how this will be used to assess and commission a package of care. As information will be required from a variety of sources (i.e. GP, care home, hospital) the assessor will obtain your permission under the common law duty of confidentiality, to contact these organisations to gain the information required to inform the assessment.</p> <p>In October 2021 the CCG commissioned the services of the Liaison Group to conduct CHC Fast Track 3 Month Reviews for cases with the most urgent clinical need or those that have exceeded the 12th week of funding. This will enable the CCG to manage its current backlog of reviews and ensure that patients receive approach CHC funding to meet their current needs. Liaison Group will act as a Data Processor on behalf of NWCCG, processing personal data to our written instructions in accordance with the DPA and GDPR.</p>
<p>Invoice Validation for CHC Care</p>	<p>Why: If you are in receipt of CHC, we will still need to make sure that the care you receive is in accordance with your care plan, and that it is chargeable to our CCG. To do this we will use the records already available to us in our CHC administration system, Broadcare.</p>

	<p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>Processing Activities: When we receive an invoice for your care, we will check that it meets the needs of your care plan. This will be done using a unique identifier. Wherever possible we will not use your person identifiable information to validate invoices.</p> <p>However if there is a discrepancy, i.e. we have received an invoice for care not mentioned in your care plan, we may review our records and your personal information to assess whether you care needs have changed and your package needs to be reviewed. We will of course contact you if there any changes are required to your care plan.</p>
<p>Appeal against CHC eligibility</p>	<p>Why: The Continuing Healthcare Team provides a “local resolution” service for individuals who wish to appeal against an eligibility decision. The team will use data obtained as part of the application process to check that the original assessment was conducted in accordance with the National Framework for Continuing Healthcare.</p> <p>Legal Basis: Explicit Consent – The CHC Team will seek your consent to use the data already obtained for your initial assessment to conduct the review. Your consent will also be requested to access any new health and social care information that may impact on your eligibility status.</p> <p>Processing Activities: Limited and authorised members of the CHC Team will access information already provided as part of the assessment process. This information will be available from our administration system, Broadcare.</p> <p>If insufficient information is available to determine eligibility based on the grounds for appeal, the CHC Team will contact other providers engaged in your care to request further information. Only the minimum information need to inform the appeal will be requested.</p> <p>All new data and the outcome of the appeal will be recorded within your electronic patient record in Broadcare.</p>
<p>Retrospective appeal against CHC eligibility</p>	<p>Why: the CCG also offers a service to retrospectively assess CHC eligibility, if the individual was not assessed at all in the</p>

	<p>past. This is known as a “previously unassessed periods of care”.</p> <p>Legal Basis: Explicit Consent – The CHC Team will seek your consent to obtain data from previous health and social care providers to inform the assessment.</p> <p>Processing Activities: Limited and authorised clinical members of the CHC Team will contact health and social care providers who have been engaged in your care, and request copies of information that are need to inform an assessment. This will be done with your consent.</p>
<p>CHC Data Extractions</p>	<p>Why: The national CHC Strategic Improvement Programme extract data from our patient administration system, Broadcare, for the purposes of analysing the cost of CHC packages. The aim is to further understand the variation in content and value of care packages.</p> <p>Legal Basis: NHS England’s Statutory Functions – NHS Act 2006 and Health and Social Care Act 2012</p> <p>Processing Activities: The data extraction process is conducted between the CHC SIP Team and Broadcare. The extraction will involve pseudonymised data fields to protect the confidentiality of individual service users.</p>
<p>Individual Patient Pathway Service (IPP)</p>	<p>Why: The IPP Team commissions and provides ongoing oversight of individual packages of care for patients where there are either; no mainstream services able to support them; or their needs require specialist provisions due to the highly complex nature of their needs.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>As the coordination of care can involve liaising and sharing your personal data with many organisations, the IPP Team will also seek your permission to do so under the common law duty of confidentiality. This will enable the team to fulfil the following functions:</p> <ul style="list-style-type: none"> • Clinical management and oversight of patients on an IPP pathway, including conducting regular care reviews and discharge planning processes • Sourcing appropriate placements

	<ul style="list-style-type: none"> • Negotiating Patient Care Agreements (PCAs) with care providers • Monitor the appropriateness and effectiveness of provider contracts <p>Processing Activities: Limited and authorised members of the IPP Team will use your personal information to contact care providers who are able to deliver specialised care. This information will be used to establish a patient care agreement.</p> <p>The IPP Team will record all information within our administration system, Broadcare.</p>
<p>Personal Health Budget</p>	<p>Why: A Personal Health Budget is an amount of money to support the identified healthcare and wellbeing needs of an individual, which is planned and agreed between the individual, or their representative, and the CCG. To support this process, the CCG will process personal confidential data including special category / sensitive data to evaluate, agree and monitor any personal health budgets.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>Processing Activities: Limited and authorised members of the CHC Team will use your personal information to contact care providers, where you have asked the CCG to support you to arrange your care. We will also process your information to ensure that your care needs are being met in accordance with your care plan and that your budget is appropriate and sufficient to meet your needs.</p>
<p>Funding Treatments</p>	<p>Why: If you make an Individual Funding Request (IFR) to fund specialist drugs or rare treatments, the 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.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p>

	<p>Processing Activities: The clinical professional who first identifies that you may need the treatment, will explain to you what information will need to be shared with the CCG and the process in order for us to assess your needs and commission your care.</p>
<p>Assuring Transformation for People with a Learning Disability, Autism or Both</p>	<p>Why: The CCG collects information about people with a learning disability, autism or both who are getting care in hospitals for their mental health or because they have displayed behaviour that can be challenging. This is called Assuring Transformation Data. This information tells us:</p> <ul style="list-style-type: none"> • How many people with a learning disability and/or autism registered with a The Norfolk and Waveney GP Practice are in hospital • How long they have been in hospital • When their care and treatment has been checked • What kind of hospital they are in <p>We do this so that we can make sure people are not in hospital if they would be better looked after in the community.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>Processing Activities: Every month NHS Norfolk and Waveney CCG securely submits this information to NHS Digital who publish a report on a monthly basis. <u>No</u> personal information is included in this report.</p> <p>If you are in hospital but do not want the CCG to use your data for the above purpose, you can let us know by contacting us either in writing, via email or by telephone. An “Assuring Transformation Easy Read Leaflet” is available from the CCG which explains the process in more detail. This can be obtained from our website.</p>
<p>Management of Complaints</p>	<p>Why: To process your personal information if it relates to a complaint where you have asked for your help or involvement.</p> <p>Legal Basis: Explicit Consent – We will need to rely on your explicit consent in writing to conduct such activities.</p> <p>Processing Activities: If you have a complaint about the CCG or a service that we commission, we will use your information to</p>

	<p>communicate with you and to investigate any concern that you raise with the CCG in line with its complaint policy.</p> <p>Where the CCG is investigating a complaint involving several organisations then the information provided by the complainant (including personal details like for example name, address) may need to be shared as appropriate in order for the complaint to be investigated.</p>
<p>Recruitment</p>	<p>Why: When an individual applies to work for NHS Norfolk and Waveney CCG, we will use the information they supply to us to process their application and to monitor the recruitment statistics. Where we want to disclose information to a third party, for example to take up a reference or obtain a “disclosure” from the Disclosure and Barring Service, consent is obtained during the application process, unless the disclosure is required by law.</p> <p>Legal Basis: Explicit Consent - We will need to rely on your explicit consent in writing to conduct such activities.</p> <p>Processing Activities: NHS The Norfolk and Waveney CCG uses the NHS Jobs recruitment platform to process its applications. Any information submitted by an applicant in relation to a vacancy within the organisation is provided with the candidate’s consent with a view to potentially entering into a contract of employment.</p> <p>The information provided by applicants is held securely on the NHS Jobs platform in accordance with current Data Protection legislation, the EU Data Protection Directive 95/46/EC, GDPR (Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR), the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable laws and regulations relating to Processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.</p> <p>Further information on how your information is handled by NHS Jobs can be found here.</p> <p>Profiling for Recruitment Purposes - The information provided by applicants on the NHS Jobs platform will be subject to “profiling”, which means an automated processing of personal data (including qualifications, employment history and professional registrations) based on a scoring matrix to</p>

	<p>generate an anonymised short list of candidates who have qualified to move to the interview stage.</p> <p>Personal information about unsuccessful candidates will be held for 12 months after the recruitment process has been completed. It will then be securely destroyed using our confidential waste facilities or deleted from our network. We only retain anonymised statistical information about applicants to help inform our recruitment activities.</p> <p>Once an individual has taken up employment with us, we will compile a file relating to their employment. The information contained in this will be kept secure and will only be used for the purposes directly related to the individual's employment. Once their employment has ended, we will retain the file in accordance with the Records Management Code of Practice for Health and Social Care.</p>
<p>Safeguarding</p>	<p>Why: Advice and guidance will be provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately.</p> <p>Access to identifiable information will be shared in some limited circumstances where it is legally required for the safety of the individuals concerned.</p> <p>Legal Basis: Statutory Obligation – Care Act 2012</p> <p>Due to public interest issues, i.e. the need to protect the safety and welfare of vulnerable children and adults, we will rely on our statutory obligation to process person identifiable information, rather than seek consent.</p>
<p>Management of Serious Incident</p>	<p>Why: NHS Norfolk and Waveney CCG is accountable for effective governance and learning following all Serious Incidents (SIs) that occur within Norfolk and Waveney. As such we work closely with all provider organisations as well as neighbouring CCGs to ensure all SIs are reported and managed appropriately. The Francis Report (February 2013) emphasised that commissioners, as well as providers had a responsibility for ensuring the quality of health services provided.</p> <p>Legal Basis: Statutory Obligation – Serious Incident Framework 2015</p> <p>Processing Activities: Arden GEM CSU has been commissioned by NHS Norfolk and Waveney CCG to support the investigation, management and reporting of all SIs.</p>

<p>Medicines Management and Optimisation</p>	<p>Why: CCGs support local GP practices with prescribing queries that generally don't require identifiable information.</p> <p>Where specialist support is required for example to order a drug that comes in solid form in gas or liquid, the medicines management team will order this on behalf of a GP Practice to support your care.</p> <p>The Prescription Ordering Direct (POD) service enables patients to order their repeat prescription over the phone or via an electronic application using trained call handlers operating to standard operating procedures. Once the patient has given their consent, the call handler can electronically access the patient's clinical record and process the prescription request in the usual way.</p> <p>The electronic prescription will be sent through to the GP for signing and then on to the patients nominated pharmacy to be dispensed in the usual way. Any issues that are identified can be tasked directly to the relevant practice member of staff for resolution.</p> <p>There are a number of practices using the POD service in the Great Yarmouth and Waveney area and two in West Norfolk, with more expected to go live this year. Contact your Practice for more information.</p> <p>Legal Basis: Direct Care Provision – GDPR Article 9(2)(h) The processing is necessary for the purposes of preventive or occupational medicine,, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems, where the processing is carried out by a health professional.</p> <p>Processing Activities: Generally our Medicines Optimisation Team do not require access to patient identifiable data for the purposes of providing advice and guidance. However GP records are viewed from the CCG's premises in order to deliver a repeat prescribing service. Limited and authorised staff only have access to information to enable them to review and issue prescriptions on behalf of our GP Practices. This information is not used for any other purpose. The Norfolk Medicines Management service also uses information for direct patient care and provides assessment to people living at home, and also provides advice, support, and training to social care providers in the area to enable them to manage medication safely.</p>
<p>Patient and Public Involvement</p>	<p>Why: If you have asked us to keep you regularly informed about the work of the CCG or if you are actively involved in our</p>

	<p>engagement and consultation activities, we will collect and process any personal information that you have shared with us.</p> <p>Legal Basis: Statutory Obligation – 14Z2 of the Health and Social Care Act 2012</p> <p>Commissioning Benefits: Your input is invaluable in shaping health and integrated care services.</p> <p>Processing Activities: We will only use the information you have provided for this purpose. You will be actively informed how your information will be used for engagement and consultation activities. Your personal information will only be accessible by authorised staff from our Engagement Team will be retained for the minimum time necessary to satisfy the original purpose for collection.</p>
<p>Conflicts of Interest and Declaration of Gifts and Hospitality</p>	<p>Why: All persons who are required to make a declaration of interest(s) or a declaration of gifts or hospitality should be aware that the register(s) may be published on the CCG’s website. This information may also be provided to individuals identified in the registers because they are in a relationship with the person making the declaration.</p> <p>Legal Basis: Explicit Consent - We will need to rely on your explicit consent in writing to conduct such activities.</p> <p>Processing Activities: An annual summary of the register(s) of interests (including the register of gifts and hospitality) are published as part of the CCG’s Annual Report and Annual Governance Statement. Where appropriate person identifiable information is excluded from our public registers.</p>
<p>National Fraud Initiative</p>	<p>Why: NHS Norfolk and Waveney 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.</p> <p>Legal Basis: The Cabinet Office is responsible for carrying out data matching exercises under its data matching powers set out in Part 6 of the Local Authority and Audit Act 2014 as part of the National Fraud Initiative (NFI).</p> <p>Processing Activities: Under this legislation the Cabinet Office:</p> <ul style="list-style-type: none"> • May carry out data matching exercises for the purposes of assisting in the prevention of and detection of fraud;

	<ul style="list-style-type: none"> • May require certain bodies to provide data for data matching exercises; • May accept data submissions on a voluntary basis; • Must prescribe a scale or scales of fees for mandatory data matching exercises; • May charge a fee for voluntary data matching exercises; and • Must consult mandatory participants and relevant stakeholders before prescribing the mandatory scale or scales of fees <p>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>To enable the NFI to continue its success, the Cabinet Office has recently procured a new IT contract awarded to Synectics Solutions Limited to deliver and enhance the NFI service over the next four years.</p> <p>NHS Norfolk and Waveney CCG participates in the Cabinet Office’s National Fraud Initiative 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. The Cabinet Office has published a privacy notice in respect of the National Fraud Initiative below:</p> <p>National Fraud Initiative Privacy Notice</p> <p>The use of data by the Cabinet Office does not require the consent of the individuals concerned under the Data Protection Act 2018.</p> <p>Data matching by the Cabinet Office is subject to a Code of Practice.</p> <p>For further information on the Cabinet Office’s legal powers and the reasons why it matches particular information, please refer to: www.gov.uk/government/collections/national-fraud-initiative</p>
Research	Why: To support research orientated proposals and activities in our commissioning system.

	<p>Legal Basis: Explicit Consent - We will need to rely on your explicit consent in writing to conduct such activities.</p> <p>Sometimes research can be undertaken using information that does not identify you. The law does not require us to seek your consent if you cannot be identified. Your data will also be excluded if you have requested to opt-out.</p> <p>Commissioning Benefits: Research can provide direct benefits to individuals who participate in medical trials and indirect benefit to the population as a whole.</p> <p>Processing Activities: Where identifiable data is required for research purposes, the service user will only be contacted by the health care organisation who provided the original treatment. The individual will ask if they wish to participate in the research study and be informed about how their information will be processed for this purpose.</p>
<p>National Registers and Datasets</p>	<p>Why: National Registries have statutory permission to collect and hold service user identifiable information without the need to seek consent from individuals.</p> <p>Legal Basis: Section 251 of the NHS Act 2006</p> <p>Further details of the current national datasets can be found on the NHS Digital website at: https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets</p>
<p>Organisations providing support services to the CCGs</p>	<p>Why: CCGs require the support of other organisations to process information on our behalf. Where these types of services are required, we enter into a contract with the organisation.</p> <p>Legal Basis: GDPR Article 6(1)(e) – The processing is required to enable the CCGS to perform a task in the public interest or to conduct its official function</p> <p>The organisations are known as “data processors”. Below are details of our routine data processors and the functions they carry out on our behalf:</p> <ul style="list-style-type: none"> • NHS Arden and Greater East Midlands CSU – risk stratification, invoice validation, commissioning intelligence analysis, management of individual funding requests, medicines management, HR and recruitment • Prescribing Services Limited – provider of risk stratification and population health management tools • NHS Resolution – management of claims • TIAA – Internal Audit • BDO – External Audit

	<ul style="list-style-type: none"> • NHS Digital • NHS England • NHS Improvement • Public Health England • NHS Shared Business Services – purchase ledger and invoice validation • Optum Health Solutions (UK) Limited – population health management
<p>System Response to COVID-19</p>	<p>Why: In light of the significant impact and risk to the health of the general public due to the COVID-19 pandemic, CCGs have been given special dispensation to process patient identifiable data. The overall aim is to ensure that confidential patient information can be processed and shared appropriately and lawfully for purposes related to the COVID-19 response.</p> <p>Legal Basis: The Covid-19 – Notice’ (“the COPI Notice”) issued by the Secretary of State for Health and Social Care on 20 March 2020 requires organisations to process confidential patient information for the purposes set out in Regulation 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (“the COPI Regulations”) to support the response to Covid-19. The notice sets aside the common law duty of confidentiality but does not impact on the Data Protection Act 2018 and General Data Protection Regulations.</p> <p>Expiry: This Notice will be reviewed on or before 30th September 2021 and may be extended by Secretary of State for Health and Social Care by further notice in writing for the period specified in that notice. If no further notice is sent, this Notice will expire on 30th September 2021.</p> <p>Section 261 of the Health and Social Care Act in relation to GPES data</p> <p>Processing Activities: The CCG is involved in the following activities which involve the use of patient data:</p> <ul style="list-style-type: none"> • COVID Protect – Provide support to vulnerable and shielding patients to monitor and minimise their exposure and risk of contracting COVID-19 • Protect NoW – NHS NWCCG initiative to support patients with particular long term conditions to minimise their risk of exposure to COVID-19 and to manage their long term condition during this period of pandemic. • Care Provider Incident Response (CPIR)- Participate in the system response to all Covid-19 queries and questions relating to Care Providers in Norfolk and Waveney.

- **Incident Control Centre (ICC)** - The role of the ICC includes acting as a focal point for any actions from NHS England and Improvement (NHSE/I) and for directly managing the operational demands of the incident response, in relation to COVID-19
- **GP Extraction Service (GPES) for Pandemic and Planning Research into COVID-19** – Provide support to GP Practices in relation to Pandemic Planning and Research (Testing and Vaccines) for Commissioning
- **Community Capacity** – to support care providers to ensure that there is sufficient bed capacity to admit patients with COVID-19 and discharge those to a place of safety from the Acute Trusts.
- **COVID-19 Testing** – work with health and social care organisations to enforce the Norfolk Local Outbreak control plan through surveillance, prevention, local outbreak response, contact tracing and engagement with the public
- **COVID-19 Tracing** – working with NHS England to enforce the national Tracing programme for individuals who have been in contact with someone who has tested positive for coronavirus
<https://www.norfolkandwaveneyccg.nhs.uk/coronavirus-testing>
- **COVID-19 Vaccination Programme** – work with local Acute Trusts, Local Authorities, Large Vaccinations Centres and PCN Primary Care Vaccination Hubs to coordinate and deliver the vaccination programme across Norfolk and Waveney
- **COVID-19 Population Risk Assessment** – work with NHS Digital, our local GP Practices and Acute Trusts to identify and support people who are clinically extremely vulnerable to COVID-19, and to ensure that this particular cohort of patients are prioritised for the vaccine.

Types of Data Used: Until the COPI Notice has been withdrawn / expires, the CCG is permitted to process the following types of data:

GPES for Pandemic Planning and Research into COVID-19 – Data relating to patients who have a date of death on or after 01.11.2019. Data will also include full history of diagnoses and vaccinations, interventions, referrals, medication and test results for the two years preceding death. The dataset will not include demographics or GP registration status.

Shielded Patient Lists – demographics relating to patients who are likely to have a severe outcome including hospitalisation and/or death as a result of the COVID-19 virus,

	to ensure that these patients are prioritised for the vaccine, and receive support to shield to minimise their exposure to the virus.
Child Death Review	<p>Why: In accordance with statutory requirements under the Children's Act 2004, clinical commissioning groups (CCGs) and local authorities (as child death review partners) are able to make arrangements for child death reviews as they see fit. Data flows are established between partner organisations to support the systematic data capture process:</p> <ul style="list-style-type: none"> • Health services across Norfolk and Waveney (across all sectors: acute, maternity, mental health, primary care and community); • Children's social care services; • Police, including British Transport Police and Royal Military Police; • Coronial services; • Education; and • Public health. <p>Legal Basis: Children Act 2004 (the Act), as amended by the Children and Social Work Act 2017[93] in relation to the CCGs statutory responsibility to act as a "child death review partner".</p> <p>Articles 6(1)(e) and 9(2)(g) of GDPR:</p> <p>Article 6(1) - Processing shall be lawful only if and to the extent that at least one of the following applies:</p> <p style="padding-left: 40px;">(e) The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p> <p>Article 9(2) – processing of special categories of personal data shall be lawful if at least one of the following applies:</p> <p style="padding-left: 40px;">(g) The processing is necessary for reasons of substantial public interest, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.</p> <p>Processing Activities: The processing is a statutory duty for clinical commissioning groups and local authorities. The ultimate goal of the processing activity is to:</p> <ul style="list-style-type: none"> • Satisfy the statutory duty; • Support the family / carers during their bereavement; • To ensure that all systematic collaborative review is conducted when a child dies;

	<ul style="list-style-type: none"> • Ensure that information from the child death review process is systematically captured in every case to enable learning to prevent future deaths. <p>The data will include:</p> <ul style="list-style-type: none"> • Information relating to children; • Information relating to the child's family and/or carers; • Professionals engaged in the child's care before their death; • Professional involved in the child's end of life care; • Special category data including medical records, social care records, police records, education records. <p>Information will be exchanged via secure email.</p> <p>The geographical area covered will be Norfolk and Waveney.</p> <p>During the process of review and learning on a national and local level, information will also be exchanged with the National Child Mortality Database.</p>
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Protect Now

Protection NoW is a pioneering initiative developed by the NHS in Norfolk and Waveney which aims to support and protect people with the most medical need in our communities. Around 28,000 patients who are at higher risk of developing complications from coronavirus (Covid19) received letters from NHS Norfolk and Waveney Clinical Commissioning Group (CCG) in April asking them to report their health and symptoms on a daily basis via a dedicated, secure NHS portal www.nhspatient.org using a unique code.

Patients are asked if they or anyone in their family is currently experiencing any coronavirus symptoms such as a cough or a fever. They are also asked if they have sufficient medicines and essential supplies such as food and whether they need any additional support. These daily updates help doctors identify quickly which patients are in need of additional medical or social support. Patients without access to the internet have been asked to encourage a family member or friend to do this for them over the phone if they are not isolating with them.

CCG staff are phoning those people who are not using the portal. They may be unable to use the service or be experiencing technical problems – or they might not wish to participate. In any case, the staff callers are there to help.

The CCG has sent letters to patients in high-risk groups, including those who have received an organ transplant, patients with severe chronic obstructive pulmonary disease (COPD), or severe asthma who have been admitted to hospital in the last 12 months, and those taking immune suppressant medications.

The people chosen were identified as part of the Government's coronavirus shielding initiative together with some identified by their GP as being in most need. This is happening across most GP practices in Norfolk and Waveney.

Alongside the letters, patients were sent a brochure explaining that they have been identified as being at greater risk of becoming unwell if they catch coronavirus. The brochure provides useful information about how to self-isolate, the importance of handwashing and social distancing, support with daily living and the importance of keeping in touch with friends and family and accessing medical care.

To ensure that patients remain supported until the threat of the pandemic has passed, COVID Protect, renamed to Protect NoW will move through several phases. During the relaxation in lockdown rules we used this opportunity to scale back on the cohort of supported patients to those at a higher risk due to an ongoing illness. Protect NoW will focus on patients who have conditions such as diabetes, those awaiting cancer screening and / or require annual flu vaccinations due to their underlying health condition who need to ensure that they consistently manage their condition so that they do not elevate their risk of becoming very ill from COVID-19. If lockdown rules are reinstated, the CCG can quickly step up the COVID Protect group to support all vulnerable patients again. The CCG will work with GP Practices to identify the patients who need support and use a more condition specific questionnaire to gather information, subject to the patient's consent. This information will be shared with the patient's GP practice, who will be responsible for organising care and support in the usual way.

In February 2021 the CCG commenced work with NHS Digital, our local Acute Trusts and GP Practices to implement the Population Risk Assessment Tool. The tool will be used to identify people who may be at a high risk from COVID-19 due to multiple specific risks factors which, when combined, may put them at a similar risk to those who are clinically extremely vulnerable to a severe outcome. This tool will enable Norfolk and Waveney to extend the vaccination and support programme to patients aged 19-69 who are at a high risk.

Why We Process Information about You

If you are receiving services from the NHS, we will need to use your information (paper or electronic) to provide treatment, to check the quality of your care, to help you make good decisions about your health and to investigate complaints and claims. We also use your information to:

- Check the quality of care we provide to everyone (a clinical audit)
- Protect the health of the general public
- Monitor how we spend public money
- Train healthcare workers
- Carry out research
- Help the NHS plan for the future

From time to time the CCG will use patient data to analyse the health of a population. This is required for the commissioning of health services, or to help target preventive care at certain groups of patients.

If we use your information for the above reasons, we will remove your name and other details which could identify you. However, if we need to use the information in a way that identifies you, we will ensure that we have a fair and lawful basis for doing so, such as:

- You have given us permission
- You have made a complaint to us about the healthcare you have received and we need to investigate
- We need to provide funding for Continuing Healthcare Services
- You have asked us to assist in sourcing and funding specialised treatment for a particular condition that is not routinely available via the NHS
- You have asked us to keep you regularly informed about the work of the CCG and would like to be actively involved in our engagement and consultation activities.
- To protect children and vulnerable adults
- When a formal court order has been served upon the CCG
- When we are lawfully required to report certain information to the appropriate authorities i.e. for the prevention or detection of a crime
- In an emergency situation to assist us to protect the health and safety of our local population i.e. management of a pandemic
- When permission is given by the Secretary of State for Health or the Health Research Authority on the advice of the Confidential Advisory Group, i.e. to identify groups of patients who are at risk of an unplanned admission or deterioration in health.

As a result of the above processing activities, the information held by the CCGs about you may contain information provided by a relative, carer, health professional, social care provider, or those who are / have been directly involved in your health and social care.

Overseas Transfers and Marketing

Your information will not be sent by the CCG outside of the United Kingdom to a country that does not have appropriate legislation to protect your privacy.

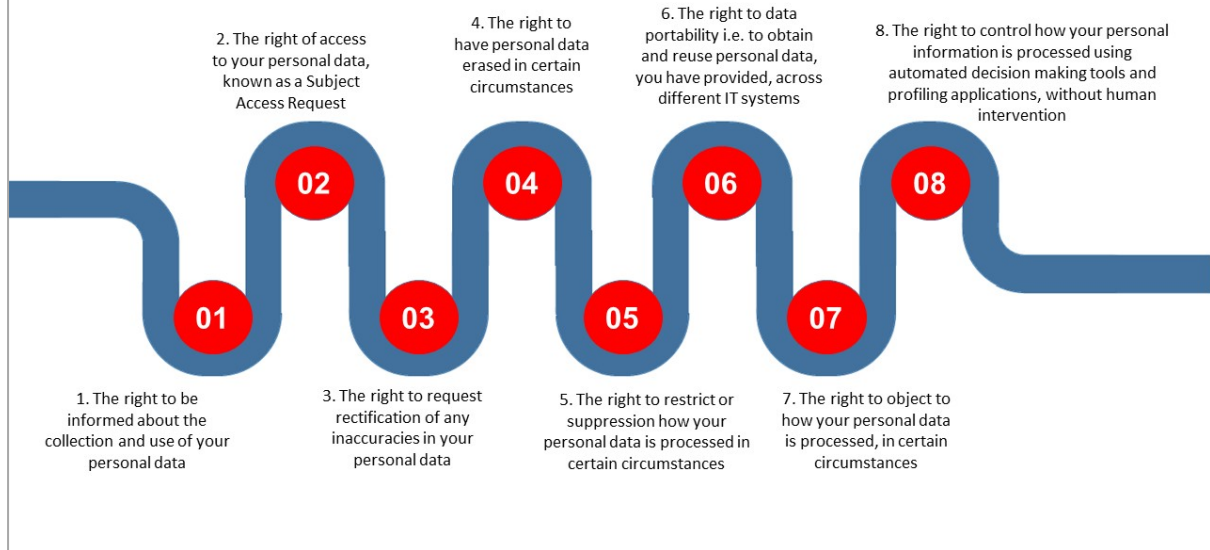
We will never sell any information about you.

We will never share your information with a third party organisation for marketing purposes without your prior written consent.

Your Rights

GDPR provides the following rights for individuals:

Data Subject's Rights under GDPR



NHS Norfolk and Waveney CCG observes your rights in relation to the information we hold in the following ways:

To be informed	This notice informs you how the CCG will use your information for the purposes of managing the local healthcare system
To access your information	<p>You have the general right to see or be given a copy of personal data an organisation holds about you. This is known as a Subject Access Request. Full details of how to raise a request can be found in the CCG's Subject Access and Access to Health Records Policy, which is available on our website.</p> <p>Further information on Subject Access Requests can be found via the Information Commissioners Office (ICO): 1</p>
To limit your information is processed	<p>The NHS Constitution states "you 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 known as opt-outs and available at different levels.</p> <p>Further details of how to opt-out is contained within this Notice.</p>
To have your data corrected	Under GDPR you have the right to have inaccurate (i.e. incorrect or misleading) personal data rectified or completed, if you feel that there are omissions (subject to the original purpose for the processing). You can make this request either in writing or verbally, however the CCG has a duty to ensure that we have taken all reasonable steps to check that the information is incorrect.
To have your data deleted	This is also known as the "right to be forgotten". You can request that your information is erased if:

- Your personal data is no longer necessary for the purpose it was originally collected and/or processed by the CCG
- You wish to withdraw your consent for the CCG to hold your data and there is no overriding legitimate interest or legal obligation for the CCG to continue to process your data
- You consider that the CCG has processed your information unlawfully; or
- You have to exercise your right to erasure in order to comply with a legal obligation

We will communicate any erasure of information to anyone to whom it has been disclosed unless this is not possible or involves disproportionate effort. We will tell you who those recipients are if you ask us. We will also ensure that your information is erased from any backup systems as well as live systems.

The right to erasure is not an absolute right and so there may be situations where your request cannot be satisfied, such as:

- The CCG must retain your data in order to comply with a legal obligation
- The CCG is required to process your data to carry out a task in the public interest or in the exercise of an official authority
- The CCG must retain your information for archiving purposes in the public interest, such as scientific research, historical research or statistical purposes where erasure is likely to render impossible or seriously hinder our ability to process information for commissioning purposes
- Where the CCG needs to retain your data for the purposes of a defence or legal claim; or
- In the case of special category data;
 - where we need to process data to protect the public's health such as protecting against cross-border health threats and pandemics; and/or
 - where a health professional processes data for the purposes of preventative or occupational medicine

The CCG can also refuse to comply with your request if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. In these circumstances we can

- request a "reasonable fee" to deal with your request, based on the administrative costs we may incur; or
- inform you within one calendar month that we must refuse your request.

	<p>If we are unable to satisfy your request, we will justify our decision.</p>
<p>Data Portability</p>	<p>You have the right to get your personal data from an organisation in a way that is accessible and machine-readable, for example as a csv file.</p> <p>You also have the right to ask an organisation to transfer your data to another organisation. They must do this if the transfer is, as the regulation says, “technically feasible”.</p> <p>As CCGs are not health care providers, we are unable to arrange the transfer of your medical files. However we can arrange to transfer any information you have provided to us with your consent. You can make this request in writing using the contact details below, stating what information you would like transferred and to whom.</p>
<p>To object to the use of your data</p>	<p>The CCG will not publish any information that identifies you or routinely disclose any information about you without your express permission.</p> <p>You have the right to consent / refuse / withdraw consent to information sharing at any moment in time. There are possible consequences to not sharing but these will be fully explained to you to help you with making your decision. Please note that you can only raise an objection if your information is being processed to:</p> <ul style="list-style-type: none"> • Carry out a task in the public interest • Fulfil the CCG’s legitimate interests • Conduct scientific or historical research or for statistical purposes; or • Conduct direct marketing
<p>To control how decisions are made about you without human involvement</p>	<p>When decisions are made about you without people being involved, this is called ‘automated individual decision-making and profiling’ or ‘automated processing’, for short.</p> <p>In many circumstances, you have a right to prevent automated processing.</p> <p>The CCG uses an automated decision-making tool for recruitment purposes, to enable us to short list candidates for interview without revealing the identity of the applicant during the application process. This is to ensure that our selection process is only based on the individual’s suitability for the job, rather than prior knowledge of who the applicant is.</p>

	In addition, an automated decision making tool is used to identify whether a group of patients is at risk of a deterioration in their health. By exercising an opt-out, your data will be excluded from an automated decision making tool.
To request information from a public body	This is known as a Freedom of Information Request, under the Freedom of Information Act 2000. This request only relates to information that does not identify a living individual. Further details of how to raise a request can be found in the CCG's Publication Scheme.
To raise a concern	<p>You have the right to be confident that organisations handle your personal information responsibly and in line with good practice. You can raise a concern about the way the CCG is handling your information if you feel:</p> <ul style="list-style-type: none"> • We are not keeping your information secure; • We are holding inaccurate information about you; • We have disclosed information about you; • We are keeping information about you for longer than is necessary; or • We have collected information for one reason and are using it for something else; <p>Details of our complaints procedure are contained within this Notice.</p>

Exercising an Opt-Out

- **Information directly collected by the CCG**

Your right can be exercised by withdrawing your consent for the CCG to share information you have provided directly to us that identifies you, provided there is no overriding legal obligation for us to share your personal information.

Where we cannot comply with your request, we will provide you with full details of the reason why.

You can withdraw your consent in writing to the CCG, using the contact details within this Notice.

- **Information collected by the CCG from organisations that provide NHS services**

From May 2018 you are now able to opt out from the use of your data for research and planning purposes. This means that your information will be excluded from any statistical and/or performance data shared with the CCG, and your particular health needs will not inform how we shape services for our local

population. Your choice to opt-out will have no negative impact on your individual care.

By setting your opt-out preferences at a national level, NHS Digital and Public Health England will excluded your confidential information (i.e. information that identifies you and your health data) from any anonymised information shared with commissioners and research bodies.

You can check or update your opt-out preference via the following link:
<https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>

Retention and destruction of records

All records held by the CCGS will only be kept for the duration specified in the [Records Management Code of Practice for Health and Social Care](#).

Key Roles in the CCGS

The CCG has a number of key roles which support the protection of your data:

- **Caldicott Guardian** - The CCG's Caldicott Guardian is a senior person responsible for protecting the confidentiality of patient and service-user information and enabling appropriate information sharing. The 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 can be contacted at nwccg.informationgovernance@nhs.net or by using the "Contact Us" section of the website.
- **Senior Information Risk Owner (SIRO)** – The CCG's SIRO is an Executive Director with overall responsibility for an organisation's information risk policy. The SIRO is accountable and responsible for information risk across the organisation. The SIRO ensures that everyone is aware of their personal responsibility to exercise good judgement, and to safeguard and share information appropriately. The SIRO can be contacted at nwccg.informationgovernance@nhs.net or by using the "Contact Us" section of the website.
- **Data Protection Officer (DPO)** – The DPO is responsible for making sure that all information held by the CCGs is collected, stored and used in accordance with the Data Protection Act 2018 and GDPR. The DPO is also responsible for the management and investigation of information breaches and incidents and for ensuring that the rights of individuals in respect of their personal data are upheld within the CCGS.

Contacting Us

Management of all request for advice and guidance regarding your personal information is coordinated by NHS Norfolk & Waveney Clinical Commissioning Group's Data Protection Officer.

For further advice and guidance please contact:

Data Protection Officer
NHS Norfolk & Waveney Clinical Commissioning Group
Lakeside 400, Broadland Business Park,
Old Chapel Way,
Thorpe St Andrew,
Norwich NR7 0WG

Email address: nwccg.informationgovernance@nhs.net

Formal Complaints/Appeals

If you feel that NHS Norfolk and Waveney CCG has not complied with current data protection legislation, either in responding to a request or in the way we process your personal information, you can raise your concerns in writing to the Data Protection Office, using the contact details within this Notice.

We will always endeavour to resolve the matter to your satisfaction. However if you still remain dissatisfied with our response, you have the right to escalate your concerns to the Information Commissioner by writing to:

Information Commissioner Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9
5AF Enquiry Line: 01625 545700
www.ico.gov.uk

Further Information

This notice does not give a full explanation of the law. If it doesn't answer your questions or you would like more detailed information, please contact the Data Protection Officer.

If you wish to know more about any information that is held about you as a patient, please contact your local health care provider.