

Fair Processing

Your Information, What You Need to Know

NHS Lambeth CCG (LCCG) is responsible for buying (also known as 'commissioning') health services from healthcare providers such as hospitals, GP practices, dentists and pharmacists, and suppliers who offer non-standard services for the people of Lambeth

All GP practices in Lambeth are members of the CCG. Our role is to make sure that appropriate care is in place for the people of Lambeth today and in the coming years.

To help us to model and plan services to best meet your future healthcare needs, LCCG needs to understand the health, social and general wellbeing issues that people are facing today. The only way that we can achieve this is by using the information that your GP, your clinician or your social worker enter into your care record. This information may exist on paper or in electronic format and each is kept safe in an appropriate way.

There are strict rules around who can see that information and what it can be used for. The CCG uses the local safe haven within the South East London Commissioning Support Unit (SELCSU) which has been accredited by the Health and Social Care Information Centre.

How We Keep Your Information Confidential and Safe

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law.

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information, tell you of how your information will be used, and allow you to decide if and how your information can be shared.

Why We Collect Information About You

In carrying out some of these roles we may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic LCCG - details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

How We Use the Information that We Collect

LCCG has in place safeguards to prevent staff from identifying individuals from the data that we receive.

Information from your health records is received into a Safe Haven and any information that might allow others to identify you is removed. This means that no one can know:

- Your name
- Your date of birth (is replaced with year of birth)
- Your postcode (is replaced with standard area called Lower Super Output area – the name reflects a national standard that is based on the total population and number of houses in an area)
- They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

Your NHS number, GP practice and treatment details are kept so that your information from each service can be linked together. This gives us a fuller picture of the health of people in Lambert and the services required to support them to stay healthy. We use this information to provide and improve health services. This data also enables us to target patients who may benefit from additional preventive care.

These uses are in line with the purposes outlined in our registration with the Information Commissioners Office and the reference number is Z3608414.

What We Use Your Information For

Analysis – Risk Stratification

Your GP uses your data to provide the best care they can for you. As part of this process, your GP will use your personal and health data to undertake risk stratification, also known as case finding.

Risk stratification entails applying computer based algorithms, or calculations to identify those patients registered with the GP surgery who are most at risk from certain medical conditions and who will benefit from clinical care to help prevent or better treat their condition.

To identify those patients individually from the patient community registered with your GP would be a lengthy and time-consuming process which would by its nature potentially not identify individuals quickly and increase the time to improve care.

Your GP surgery uses the services of a health partner, NHS South East Commissioning Support Unit (CSU) to identify those most in need of preventative or improved care. This contract is arranged by LCCG.

Neither LCCG or NHS South East CSU will at any time have access to your personal or confidential data. They act on behalf of your GP to organise this service with appropriate contractual and security measures only.

NHS South East CSU will process your personal and confidential data. Typically this will process your data using indicators such as your age, gender, NHS number and codes for your medical health to identify those who will benefit from clinical intervention. Processing takes place automatically and without human or manual handling. Data is extracted from your GP computer system, automatically processed and only your GP is able to view the outcome, matching results against patients on their system.

We have implemented strict security controls to protect your confidentiality and recommend this as secure and beneficial service to you. At all times, your GP remains accountable for how your data is processed. However, if you wish, you can ask your GP for your data not to be processed for this purpose and your GP will mark your record as not to be extracted so it is not sent to NHS South East CSU for risk stratification purposes.

Paying for Services

Where care is provided and the CCG is responsible for it, we will need to provide payment to the care provider. In most cases limited data is used to make such payments. In some instances information to confirm that you are registered at a GP within the CCG is needed to make such payments. This is done in line with the **Who Pays Invoice Validation Guidance** issued by NHS England.

Invoice Validation

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

The invoice validation process supports the delivery of patient care across the NHS by:

- Ensuring that service providers are paid for the patient's treatment
- Enabling services to be planned, commissioned, managed, and subjected to financial control enabling 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
- Enabling invoices to be challenged and disputes or discrepancies to be resolved

Handling Continuing Healthcare (CHC) Applications

If you make an application for Continuing Healthcare (CHC) funding, LCCG 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. This process is nationally

defined and we follow a standard process and LCCG - use standard information collection tools to decide whether someone is eligible.

Handling Individual Funding Requests (IFR) Applications

If you make an Individual Funding Request (IFR) to fund specialist drugs or rare treatments, LCCG 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.

Supporting Medicines Management

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

Where specialist support is required, e.g., 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 to support your care.

Safeguarding

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

Quality Alerts

A Quality Alert is a systemic issue, generally affecting a service, or the ability to deliver a high quality service. LCCG's Governance and Quality Team triage quality alerts (QA's) reverse quality alerts and incidents reported by GPs/Provider organisations. The CCG has a statutory duty to support NHSE with the continuous quality improvement of primary medical services as set out in the HSCA 2012 and the Primary Medical Services assurance framework.

Post Infection Reviews

Clinical Commissioning Groups collaborate closely with the organisations involved in providing patient care, to jointly identify and agree the possible causes of, or factors that contributed to a patient's infection.

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

Serious Incident Management

LCCG is accountable for effective governance and learning following all Serious Incidents (SIs) and work closely with all provider organisations as well as commissioning staff members to ensure all SIs are reported and managed appropriately. The Francis Report (February 2013) emphasised that commissioners, as well as providers had a responsibility for ensuring the quality of health services provided.

Lambeth DataNet

Lambeth DataNet is a group of general practices in Lambeth working together to improve local health care by researching information from patient records. This gives us a better idea of what services are needed for the Lambeth population. If we take part in an audit or research study we pass on information to the researchers coordinating the study. Sometimes this research involves linking patient information held by your general practice with NHS information held by the hospital or A&E, for example. This information is anonymous and cannot be traced back to you in any way. Please contact us on LAMCCG.datanet@nhs.net if you would like further details.

Sharing Information

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

Information Sharing With Other NHS Agencies and Non-NHS Organisations

We may share your information for health purposes and for your benefit with other organisations such as Health Authorities, NHS Trusts, General Practitioners, etc. We may also need to share information with our partner organisations.

Information may also need to be shared with other non-NHS organisations, from which you are receiving care, such as the London Borough of Lambeth, and other providers from which we commission services. Where information sharing is required with these third parties, we will always have a relevant Data Sharing Agreement/Data Processing Deed in place and will not disclose any health information without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk or where the law requires it or to carry out a statutory function.

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

**O
u
r
g
u
i
d
i
n
g
p
ri**

nciple is that we are holding your records in strictest confidence

We may be asked to share basic information about you, such as your name and address which does not include sensitive information. This would normally be to assist them to carry out their statutory duties. In these circumstances, where it is not practical to obtain your explicit consent, we will inform you through a Fair Processing Notice, under the Data Protection Act.

Your Right to Withdraw Consent for Us to Share Your Personal Information (Opt-Out)

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.

You can opt out at any time by contacting:

South East Commissioning Support Unit
3rd Floor, 1 Lower Marsh,
London
SE1 7NT

You can email: SECSU.InformationGovernance@nhs.net

How Your Records Are Used to Help the NHS

Your information may be used to help assess the needs of the general population and make informed decisions about the provision of future services. Information can also be used to conduct health research and development and monitor NHS performance.

Where information is used for statistical purposes, stringent measures are taken to ensure individual patients cannot be identified. Anonymous statistical information may also be passed to organisations with a legitimate interest, including universities, community safety units and research institutions.

Where it is not sufficient to use anonymised information, person-identifiable information may be used, but only for essential NHS purposes. This may include research and auditing services. This will only be done with your consent, unless the law requires information to be passed on to improve public health.

CCG Oversight

LCCG has in place a Caldicott Guardian and Senior Information Risk Owner who have oversight of the handling of information within the CCG or by any support organisations we may buy services from. They are supported by the Information Governance Steering Committee (IGSG), which meets regularly to discuss issues related to IG.

The South East Clinical Commissioning Support Unit (SECSU) provides administrative support for a number of CCG functions for several local CCGs. You can visit their website for further information here: <http://www.southeastcsu.nhs.uk/>

National Initiatives

If you would like to find out about what national initiatives may affect you, visit:

Care. Data: NHS England <http://www.england.nhs.uk/?s=care.data&search>

HSCIC: <http://www.hscic.gov.uk/article/3525/Caredata>

Coordinate My Care (CMC): <http://www.coordinatemycare.co.uk/>

Summary Care Record: <http://systems.hscic.gov.uk/scr>

Accessing Your Information Held by Lambeth CCG

Under the Data Protection Act 1998 you have the right to see or be given a copy of personal data held about you. To gain access to your information you will need to make a Subject Access Request (SAR) to NHS LCCG.

We may charge a reasonable fee for the administration of the request, set down in law as follows:

- If the information is only held electronically we may charge up to £10 for complying
- If the information is only held wholly or partly in paper format we may charge up to £50 for complying.

If you wish to make a SAR please contact the Information Governance Team at:

South East London Commissioning Support Unit
3rd Floor, 1 Lower Marsh,
London
SE1 7NT

You can also email: SECSU.InformationGovernance@nhs.net

Note: In order to deal with a SAR, LCCG will need to share information with the South East London Commissioning Support Unit (SELCSU).

Freedom of Information Requests (FOI)

The Freedom of Information Act (2000) gives every Individual the right to request information held by Government Agencies. Private Companies are not subject to this act.

Please note that a Freedom of Information Request is **not** a Subject Access Request.

For postal requests, please send to the Freedom of Information Team at:

Margaret Benbow
Freedom of Information Manager
C/O NHS South East Commissioning Support Unit
1 Lower Marsh
London SE1 7NT

You can also email your request to Margaret.benbow@nhs.net

Your request for information must be made in writing and you are entitled to a response within 20 working days.

Decommissioning of Services

The CCG will retain legal responsibility for the information held about you until it is formally dissolved or until agreements are put in place to transfer responsibility.

Complaints

If you have a complaint about LCCG or a service we commission, we will use your information to communicate with you and investigate any complaint if it's the responsibility of the CCG.

See our Complaints and Comments page on the CCG website or write to the Information Governance Team at:

Telephone: 0800 4561517

Write to: SECSU Complaints Team
1 Lower Marsh, London SE1 7NT

You can also email SLCSU.Complaints@nhs.net

If you are not happy with our responses and have exhausted all the avenues in the CCG Complaints Process and wish to take your complaint to an independent body, you can do this by contacting the Information Commissioner's Office in writing to the following address:

Wycliffe House
Water Lane
WILMSLOW
Cheshire
SK9 5AF

You can also telephone their helpline on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Or email: casework@ico.org.uk

For a translation of this document, an interpreter or a version in large print or braille, please contact:

Write to: SECSU Complaints Team
1 Lower Marsh, London SE1 7NT
0800 4561517

Email: SLCSU.Complaints@nhs.net