

## PRIVACY NOTICE

Version 1.1, March 2020

### Who we are

NHS Somerset Clinical Commissioning Group (CCG) is a GP membership led NHS organisation with responsibility for commissioning (the designing, planning and buying of NHS services) for the population of the geographic county of Somerset.

Somerset CCG headquarters are located at the following address where we can be contacted.

Somerset CCG  
Wynford House  
Lufton Way, Lufton  
Yeovil  
Somerset  
BA22 8HR

Telephone: 01935 384000  
Email: [somccg.enquiries@nhs.net](mailto:somccg.enquiries@nhs.net)  
Website: <https://www.somersetccg.nhs.uk>

### What is this document about?

Our Privacy Notice provides details of how we use your information. Here, we'll tell 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 is part of how we ensure we are open and transparent in the data processing activities we carry out in order to meet our commissioning obligations. It covers information we collect directly from you or receive from other individuals or organisations.

We will keep our privacy notice under regular review. This privacy notice was last reviewed in December 2018.

You can contact us via the details above if you have any questions or concerns about how we use your information.

### Commitment to Data Privacy and Confidentiality

We are committed to protecting your privacy and will only process personal confidential data in accordance with the data protection legislation, currently the General Data Protection Regulation (GDPR), Data Protection Act 2018 (DPA) and Access to Health Records Act 1990 (covering records of deceased patients), alongside the common law duty of confidentiality.

Somerset CCG is registered as a Data Controller with the Information Commissioner's Office (ICO). Our registration number on the Data Protection Register is ZA004240 and our entry may be found by reference to the ICO website at the following [link](#).

All information that we hold about you will be held securely and confidentially.

We use administrative and technical controls to do this including strict procedures and encryption. We use strict controls to ensure that only authorised staff are able to see information that identifies you. This means 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, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities. Our staff have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.

We will only use the minimum amount of information necessary about you.

We will only keep information in accordance with the schedules set out in the Records Management Code of Practice for Health and Social Care 2016.

### **Purposes of processing**

As a public authority with responsibility for commissioning health services for the patient population of the county of Somerset, Somerset CCG processes personal data for a range of purposes to enable it to meet its statutory duties and functions including:

- the management and planning of healthcare services for the population of Somerset
- safeguarding children and vulnerable adults
- emergency planning activity such as in the major incident which occurred during the flooding across Somerset in 2014
- risk stratification or invoice validation – within the scope of approval of the Secretary of State for Health and Social Care
- to meet a legal obligation such as where a formal court order has been served on us
- where we are lawfully required to report certain information to appropriate authorities, such as to prevent fraud or a serious crime

### **Lawful basis for processing**

GDPR and DPA 2018 provide six possible legal bases available for a data controller to use in justifying processing of personal data:

- consent of the data subject
- contract
- public task
- legal obligation
- vital interests
- legitimate interests

In general, Somerset CCG will only rely on consent where it is clearly necessary in law. Where we have a legal basis for sharing and using data without consent, we will do so. Details of the legal basis relied upon for processing are shown in the table of uses of information below.

### **Where do we receive information from?**

We do not routinely hold nor have access to your medical records. We may need to hold some personal information about you, for example:

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

Additionally we receive commissioning datasets from NHS Digital and through local data flows in anonymised or pseudonymised form. The data used may relate to primary care (such as activity from GP practices, dentists, optometrists, etc.) or secondary care (acute, community or mental health services).

### **Categories of personal confidential data received**

The types of information that we may collect and use include the following:

- Personal data – means any information relating to an identified or identifiable natural person (data subject)
- Sensitive personal data – means any information relating to an identified or identifiable natural person which is more sensitive and so needs more protection, such as:
  - \* race
  - \* ethnic origin
  - \* political views
  - \* religion
  - \* trades union membership
  - \* genetics
  - \* biometrics (where used for ID purposes)
  - \* health
  - \* sex life
  - \* sexual orientation
- Confidential Information – means both information ‘given in confidence’ and ‘that which is owed a duty of confidence’. This also includes and is adapted to include special category data as defined in current data protection legislation

Personal confidential data may include your name, your address, postcode, date of birth, NHS number, information about appointments and clinic visits, reports and notes about your health, treatment and care, relevant information about people who care for you such as next of kin and other health professionals.

### **Pseudonymised Information**

This is data that has undergone a technical process that replaces your identifiable information such as NHS number, postcode, date of birth with a unique identifier, which obscures the ‘real world’ identity of the individual patient to those working with the data.

## **Anonymised Information**

This is data rendered into a form which does not identify individuals and where there is little or no risk of identification.

The data used may relate to Primary or Secondary care. Primary Care data relates to primary care services such as GPs, pharmacists and dentists, including military health services and some specialised services.

Secondary care services include planned hospital care, rehabilitative care, urgent and emergency care community health services, mental health services and learning disability services.

## **Rights of Individuals**

You have certain legal rights, including a right to have your information processed fairly and lawfully. These rights are:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- rights in relation to automated decision making and profiling

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

## **National Data Opt-out**

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. Any individual has the right to register for a national data opt-out, to make such a request, please follow the link to the NHS Digital website:

<https://digital.nhs.uk/services/national-data-opt-out>

NHS Somerset CCG meets the requirements of the National Data Opt-out Policy. A copy of the CCG National Data Opt Out checklist is available upon request from the Data Protection email address.

These are commitments set out in the NHS Constitution, for further information please visit the [GOV.UK website](https://www.gov.uk).

You can contact us via the details provided in this privacy notice if you have any questions or concerns about your data protection rights. We'll discuss alternative arrangements you can make and explain the consequences.

## **Subject access requests**

Individuals can find out if we hold any personal information by making a subject access request under the Data Protection legislation. If we do hold information about you we will:

- confirm that we are processing your personal data

- provide a copy of your personal information
- provide additional information such as: the reason why we hold your information, who we may have shared information with, how long we hold information

The Data Protection Act gives you the right to obtain a copy of information that NHS Somerset CCG holds about you and why.

If you would like to receive a copy of information we hold about you, your request should be made in writing by post or email to:

- Subject Access Requests, NHS Somerset CCG, Wynford House, Lufton Way, Yeovil, Somerset, BA22 8HR
- Email: [somccg.dataprotection@nhs.net](mailto:somccg.dataprotection@nhs.net)

When making a request, please include the following details:

- your name, address and postcode
- any relevant case numbers
- the type of information or documents you want to receive copies of including any relevant dates
- any preferences you have for the way you would like us to send the information to you (for example, hard copy, large print or by email)
- forms of identification – passport, driving licence or birth certificate, plus confirmation of home address, such as a recent utility bill, council tax bill or letter from a government department

If you are making a request for records in relation to another person or a deceased individual, you will be required to provide evidence of the authority which enables you to act on that individuals' behalf, this may include:

- documented consent of the individual
- Lasting Power of Attorney
- Grant of Probate

### **Confidentiality advice and support**

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

Our Caldicott Guardian is Sandra Corry, Director of Quality and Nursing. Sandra is contactable by email through [somccg.dataprotection@nhs.net](mailto:somccg.dataprotection@nhs.net) if you need any advice or support about data protection or concerns about your confidentiality.

### **Overseas transfers**

Your information will not be sent outside of the United Kingdom or European Economic Area (EEA) where the laws do not protect your privacy to the same extent as the law in the UK unless we are satisfied that equivalent arrangements exist to provide the same level of security as would otherwise be found in the EEA. We will never sell any information about you.

## Uses of Information

Purpose Activity	Rationale
<p><b>Complaints</b></p>	<p>To process your personal information if it relates to a complaint where you have asked for our help or involvement.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>We will rely on the legitimate interests of the CCG to process your personal data for the purpose of managing a complaint you make to us.</p> <p><b>Complaint Processing Activities</b></p> <p>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. We will only use the personal information we collect to process the complaint and to check on the level of service being provided. We may need to seek your written authority to access your information from other service providers, such as hospitals, GP practices or clinics.</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 NHS retention policy, currently 10 years following closure of the complaint and any subsequent processes. It will be retained in a secure environment and access to it will be restricted according to the ‘need to know’ principle.</p>
<p><b>Funding treatments</b></p>	<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><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care</p>

	<p>Data</p> <p><b>Legal Basis</b></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 agreement to proceed with an application. We rely on our public task, GDPR Article 6(1)(e) and Article 9(2)(h) – management of health and social care services as our legal basis for processing your information where an application is made for treatment.</p> <p><b>IFR processing activities</b></p> <p>Where an application is received from a clinician on your behalf for an IFR procedure or treatment, the IFR team within the CCG will create a case file relating to you with details recorded in a database. The information collected will be the minimum needed to support your application and will be provided by the clinician who refers you.</p> <p>We will keep personal information relating to IFR applications in line with national guidance on records management as set out in the NHS Records Management Code of Practice. For IFR files, we currently retain records for 8 years following conclusion of the application process.</p>
<b>Continuing Healthcare</b>	<p>We will collect and process your identifiable information where you have asked us to undertake assessments for Continuing Healthcare (a package of care for those with complex medical needs) and commission resulting care packages.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></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 assess your needs and commission your care and gain your agreement to proceed with assessment.</p> <p>In relation to processing of your personal data, we rely on the public task of the CCG to commission the Continuing Healthcare function for the population of Somerset. GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care services.</p>
<b>Safeguarding</b>	<p>We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p>

	<p><b>Legal Basis</b></p> <p>The CCG has a statutory duty to undertake safeguarding activity and relies on the public task legal basis to process personal data for this purpose. GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care services</p>
<p><b>Summary Care Record</b></p>	<p>The NHS uses an electronic record called the Summary Care Record (SCR) to support patient care. The SCR is a copy of key information from your GP record. It provides authorised care professionals with faster, secure access to essential information about you when you need care. Whenever a care professional accesses your SCR a log is kept.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – Primary Care Data</p> <p><b>Legal Basis</b></p> <p>Designated members of staff within the CCG carrying out specific roles have appropriate access to the Summary Care Record to enable them to fulfil their duties. These roles are:</p> <ul style="list-style-type: none"> <li>• Home Oxygen Service</li> <li>• Individual Funding Applications</li> <li>• Finance - Invoice validation</li> </ul> <p>The legal basis for access to information for these functions is public task, GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care services.</p> <p>Further information about the Summary Care Record and information on Opting out is available at:</p> <p><a href="http://www.nhs.uk/NHSEngland/thenhs/records/healthrecords/Pages/overview.aspx">http://www.nhs.uk/NHSEngland/thenhs/records/healthrecords/Pages/overview.aspx</a></p>
<p><b>Risk stratification</b></p>	<p>Risk stratification is a process for identifying and managing patients who are at high risk of emergency hospital admission.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data &amp; Pseudonymised – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality.</p> <p>The use of identifiable data by CCGs and GPs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority and this approval has been extended to September 2020.</p>

The GDPR legal basis for this activity is public task of the CCG, Article 6(1)(e) and 9(2)(h) – management of health and social care services.

### **Commissioning Benefits**

Typically this is because patients have a long term condition such as Chronic Obstructive Pulmonary Disease. NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions.

Knowledge of the risk profile of our population will help the CCG to commission appropriate preventative services and to promote quality improvement in collaboration with our GP practices.

This data is also shared with the Symphony project, a project which enables general practices and hospital services to work together and implement new models of care, such as enhanced primary care. Further information is available at: <http://www.symphonyintegratedhealthcare.com>

### **Data Processing activities for Risk Stratification**

Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission and primary care data collected in GP practice systems.

The CCG will use pseudonymised information to understand the local population needs, whereas GPs will be able to identify which of their patients are at risk in order to offer a preventative service to them.

The CCG has commissioned South, Central & West Commissioning Support Unit (SCW CSU) to conduct risk stratification on behalf of itself and its GP practices.

SCW CSU works with a partner called Optum (<http://www.optum.co.uk/healthcare.html>) who have set up a formula to analyse the data in pseudonymised form to produce a risk score for each patient. This information is available to SCW CSU.

This processing for risk stratification takes place under contract with SCW CSU and Optum has the following these steps below:

- the CCG has asked NHS Digital to provide data identifiable by your NHS Number about your Acute Hospital attendances for risk stratification purposes and has signed an NHS Digital data sharing contract for the SUS (secondary care/hospital) data
- your GP practice provides primary care data identifiable by your NHS Number for those patients that have not objected to Risk Stratification or there is no Type 1 objection made by the Patient. The data, containing the same verified NHS numbers, are sent via secure transfer, to SCWCSU

	<ul style="list-style-type: none"> <li>• within the landing stage, the risk stratification system automatically links and pseudonymises the identifiable data from GP's and NHS Digital. No identifiable data of any patient is seen by Somerset CCG staff</li> </ul> <p>The risk scores are only made available to authorised users within the GP Practice where you are registered via a secure portal managed by Optum and SCW CSU.</p> <p>This portal allows only the GPs to view the risk scores for the individual patients registered in their practice in identifiable form.</p> <p>If you do not wish information about you to be included in our risk stratification programme, please contact your GP Practice. They can add a code to your records that will stop your information from being used for this purpose.</p> <p>Further information about risk stratification is available from:  <a href="https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/">https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/</a></p>
<p><b>Invoice Processing</b></p>	<p>A small amount of information that could identify you is used within a secure area, known as a Controlled Environment for Finance (CEfF), so that the organisations that have provided you with care/treatment are reimbursed correctly, this is known as Invoice Validation. This controlled area is currently within the SCWCSU but is in the process of transferring to the CCG.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>A Section 251 exemption enables us to process patient identifiable information without patient consent for the purposes of invoice validation.</p> <p>Section 251 applications are approved by the Secretary of State for Health, who imposes very tight conditions on what information can be processed and by whom. On behalf of CCGs, NHS England made a Section 251 application, which was approved by the Secretary of Health for invoice validation, and extended until September 2020 to allow time for systems to be established to ensure that personal confidential data is processed lawfully.</p> <p>More information about Section 251 is here: <a href="http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/">http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/</a></p> <p>Section 251 approval means we rely on the GDPR public task legal basis for this processing activity. Articles 6(1)(e) and 9(2)(h) – management of health and social care services.</p> <p><b>Commissioning Benefits</b></p>

	<p>Where we pay for care we may ask for evidence before paying. In such instances, we may use your personal confidential data to ensure that we are paying the right organisation the right amount for the right service(s) to the right people.</p> <p><b>Processing Activities</b></p> <p>We take relevant organisational and technical measures to ensure the information we hold is secure, restricting access to information to authorised personnel and protecting personal/confidential information held on equipment such as computers with passwords/encryption.</p> <p>The minimum amount of information about you is used and we will only use personal identifiable information when absolutely necessary.</p> <p>NHS Shared Business Services (SBS), based in Wakefield, are involved in the processing of the majority of our invoices on a daily basis. You can find out more about them here: <a href="https://www.sbs.nhs.uk/">https://www.sbs.nhs.uk/</a> SBS provide this service via a contract with NHS England, which requires them to meet information governance standards – see <a href="#">Data Security and Protection Toolkit</a></p> <p>SBS receive invoices from suppliers of goods and services to process on behalf of the CCG. They do not require and should not receive any patient confidential data to do this.</p> <p>For other invoices, the invoice validation process may currently involve us occasionally using your name or initials. Where possible, we use GP Practice codes (each GP Practice has one and use of this confirms services are being provided to our patients) and/or another agreed identifier which does not include personal confidential data.</p> <p>Commissioners, like Somerset CCG, have a duty to detect, report and investigate any incidents where there has been a breach of confidentiality. If we receive any invoices with personal confidential data on we have a responsibility to work with suppliers to ensure that invoices from them do not breach patient confidentiality.</p> <p>NHS England has published guidance on how invoices must be processed: <a href="https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/">https://www.england.nhs.uk/ourwork/tsd/ig/in-val/invoice-validation-faqs/</a></p>
<p><b>Patient and Public Involvement</b></p>	<p>If you have asked us to keep you informed and up to date about the work of the CCG or if you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and process personal confidential data which you share with us.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – may minimal include Primary and Secondary Care Data that you have provided to us</p> <p><b>Legal Basis</b></p>

	<p>We will rely on your consent for this purpose.</p> <p><b>Benefits</b></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 in this notice.</p>
<b>Referral Service</b>	<p>The Referral Service is a team of local clinicians and administrators who support your GP in finding the best care available for you. The Service will process information about patients in order to advise GPs, makes referrals and suggest treatments.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>Our legal basis for processing information for this purpose is public task as it is directly linked to the provision of care, wherever possible 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 provide this service.</p> <p>The GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care services is relied upon to cover this activity.</p>
<b>Commissioning</b>	<p>To collect NHS data about service users that we are responsible for.</p> <p><b>Data Type</b></p> <p>Personal Confidential Data, Pseudonymised Data, Anonymous Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>Our legal basis for collecting and processing information for this purpose is statutory duty. We rely on our public task GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care services.</p> <p><b>Processing Activities</b></p> <p>Hospitals and community organisations that provide NHS-funded care must submit certain information to NHS Digital about services provided to our service users.</p> <p>This information is generally known as commissioning datasets. The CCG obtains these datasets from NHS Digital and they relate to service users registered with GP Practices that are members of the CCG.</p> <p>These datasets are then used in a format that does not directly identify you, for wider NHS purposes such as managing and funding the NHS,</p>

	<p>monitoring activity to understand and plan the health needs of the population, and to gain evidence that will improve health and care through research.</p> <p>The datasets include information about the service users who have received care and treatment from those services that we are responsible for funding. The CCG is unable to identify you from these datasets. They do not include your name, home address, NHS number, post code or date of birth. Information such as your age, ethnicity and gender, as well as coded information about any clinic or accident and emergency attendances, hospital admissions and treatment will be included.</p> <p>The specific terms and conditions and security controls that we are obliged to follow when using these commissioning datasets can also be found on the <a href="#">NHS Digital website</a>.</p> <p>More information about how this data is collected and used by the NHS Digital is available on their website <a href="http://digital.nhs.uk/patientconf">http://digital.nhs.uk/patientconf</a></p> <p>We also receive similar information from GP Practices within our CCG membership that does not identify you. We use these datasets for a number of purposes such as:</p> <ul style="list-style-type: none"> <li>• performance managing contracts</li> <li>• reviewing the care delivered by providers to ensure quality and cost effective care</li> <li>• to prepare statistics on NHS performance to understand health needs and support service re-design, modernisation and improvement</li> <li>• to help us plan future services to ensure they meet our local population needs</li> <li>• to reconcile claims for payments for services received in your GP Practice</li> <li>• to audit NHS accounts and services</li> </ul> <p>If you do not wish your information to be included in these datasets, even though it does not directly identify you to us, please contact your GP Practice and they can apply a code to your records that will stop your information from being included.</p>
<p><b><i>For Other organisations to provide support services for us</i></b></p>	<p>The CCG use the services of the additional data processors, who provide additional expertise to support the work of the CCG:</p> <p><b>Data Type</b></p> <p>Personal Confidential Data, Pseudonymised Data, Anonymous Data – may include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>We rely on our public task duties as our GDPR legal basis for the activities described below. Articles 6(1)(e) and 9(2)(h) – management of health and social care.</p> <p>We have entered into contracts with other NHS and third party organisations to provide some services for us or on our behalf. These</p>

	<p>organisations are known as “data processors”. Below are details of our data processors and the function that they carry out on our behalf:</p> <ul style="list-style-type: none"> <li>• NHS South, Central and West Commissioning Support Unit: Risk Stratification, Invoice Validation, Commissioning Intelligence analysis <i>(add value to the analyses of data that does not directly identify individuals)</i></li> <li>• NHS Bristol, North Somerset and South Gloucestershire CCG <i>(shared services)</i></li> <li>• Grant Thornton LLP (External auditor): Audit our accounts and services with specific case reviews from time to time <i>(add value to the analyses of data that does not directly identify individuals)</i></li> <li>• BDO LLP (Internal auditor): Audit our accounts and services with specific case reviews from time to time</li> <li>• TIAA Ltd: Counter Fraud investigations and audits</li> <li>• NHS Resolution – Claims Management</li> <li>• Shred It - Confidential Waste Disposal Company to shred information in a secure environment</li> <li>• NHS Shared Business Service –<i>Invoice Validation (see section above)</i></li> <li>• Somerset County Council – Jointly commission services, safeguarding</li> <li>• Somerset Partnership NHS Foundation Trust – Payroll services</li> <li>• University of York – economic evaluation of pseudonymised data</li> <li>• Prescribing Services Ltd – risk stratification – medicines management</li> </ul> <p><b>Benefits</b></p> <p>These organisations are subject to the same legal rules and conditions for keeping personal confidential data and secure and are underpinned by a contract with us.</p> <p>Before awarding any contract, we ensure that organisations will look after your information to the same high standards that we do. Those organisations can only use your information for the service we have contracted them for and cannot use it for any other purpose.</p>
<p><b>National Fraud Initiative</b></p>	<p>NHS Somerset 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>The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud as part of its responsibility for public sector efficiency and reform. Part 6 of the Local Audit and Accountability Act 2014 enables the Cabinet Office to process data as part of the National Fraud Initiative (NFI).</p> <p>The Cabinet Office is responsible for carrying out data matching exercises.</p> <p>We participate in the Cabinet Office’s National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise, as detailed at</p>

	<p><a href="https://www.gov.uk/government/collections/national-fraud-initiative">https://www.gov.uk/government/collections/national-fraud-initiative</a>.</p> <p>Data matching involves comparing sets of data, such as payroll held by one body against other records held by the same or another body to see how far they match. This is usually personal information and CCG creditors' data. The 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>Somerset CCG's legal basis to process this data is set out in Article 6(c) of GDPR – processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Further information on the Government National Fraud Initiative may be found by reference to the following:</p> <p><a href="https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text">https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text</a></p>
<b>National Registries</b>	<p><b>Data Type</b></p> <p>Personal Confidential Data – May include Primary and Secondary Care Data</p> <p>National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.</p> <p>Our GDPR legal basis for this activity is Article 6(1)(e) and 9(2)(h) – management of health and social care services.</p>
<b>Research</b>	<p>To support research oriented proposals and activities in our commissioning system</p> <p><b>Data Type</b></p> <p>Personal Confidential Data, Pseudonymised Data, Anonymous Data – May include Primary and Secondary Care Data</p> <p><b>Legal Basis</b></p> <p>Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any research.</p> <p>Sometimes research can be undertaken using information that does not identify you. The law does not require us to seek your consent in this case, but the organisation holding your information will make notices available on the premises and on the website about any research projects that are undertaken.</p>

	<p><b>Benefits</b></p> <p>Researchers can provide direct benefit to individuals who take part in medical trials and indirect benefit to the population as a whole.</p> <p>Service user records can also be used to identify people to invite them to take part in clinical trials, other interventional studies or studies purely using information from medical records.</p> <p><b>Processing Activities</b></p> <p>Where identifiable data is needed for research, service users will be approached by the organisation where treatment was received, to see if they wish to participate in research studies.</p> <p><b>If you do not wish your information to be used for research, whether identifiable or non-identifiable, please let your GP Practice know. They will add a code to your records that will stop your information from being used for research.</b></p>
<b>Employment</b>	<p>People working for Somerset CCG.</p> <p><b>Data types</b></p> <p>Personal confidential data including special categories of personal data.</p> <p><b>Legal basis</b></p> <p>Somerset CCG relies upon the contractual relationship between employer and employee as its legal basis to process the personal data of its employees.</p> <p>The GDPR legal basis is covered by Article 6(1)(b) – performance of a contract and Article 9(2)(b) – obligations and rights of the controller in the field of employment.</p> <p><b>Processing Activities</b></p> <p>Personal data as described above is processed for the purpose of fulfilment of employment contracts between employees and the CCG. This includes, but is not limited to activity covering payroll, publication of employee declarations of interest, performance management, staff appraisal, training, occupational health and workforce reporting.</p>

## How to opt-out

### Your right to opt out of data sharing and processing

The NHS Constitution states 'You have a right to request that your personal confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit:

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

There are several forms of opt-outs available at different levels:

### **Type 1 opt-out.**

If you do not want personal confidential information that identifies you to be shared outside your GP practice you can register a 'Type 1 opt-out' with your GP practice. This prevents your personal confidential information from being used except for your direct health care needs and in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. Patients are only able to register the opt-out at their GP practice and your records will be identified using a particular code that will stop your records from being shared outside of your GP Practice.

### **National data opt-out**

The national data opt-out was introduced on 25 May 2018 and replaces the previous 'type 2' opt-out. NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. The new programme provides a facility for individuals to opt-out from the use of their data for research or planning purposes. For anyone who had an existing type 2 opt-out, it will have been automatically converted to a national data opt-out from 25 May 2018 and will receive a letter giving them more information and a leaflet explaining the new national data opt-out. The national data opt-out choice can be viewed or changed at any time by using the online service at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters)

There are some circumstances where there is a legal obligation for us to process your personal confidential information and you will not be able to opt-out. These include:

- 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 the appropriate authorities e.g. to prevent fraud or a serious crime
- emergency planning reasons such as for protecting the health and safety of others
- when permission is given by the Secretary of State or the Health Research Authority to process confidential information without the explicit consent of individuals

### **Complaints and suggestions**

We try to meet the highest standards when collecting and using personal information. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate.

Please contact our Data Protection Officer via the details provided on page 1 of this notice.

We also welcome any suggestions for improving our procedures. Please see details of our [Patient Advice and Liaison Service \(PALS\)](#) for more information.

### **Data Protection Officer**

Somerset CCG Data Protection Officer is Kevin Caldwell, Information Governance Lead, who is contactable at the CCG address above or at the following email address:

[somccg.dataprotection@nhs.net](mailto:somccg.dataprotection@nhs.net)

You can contact the [Information Commissioner's Office \(ICO\)](#) for independent advice about data protection, privacy and data-sharing issues.

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Phone: 0303 123 1113 or 01625 545 745

### **Further information**

You can find further information about how the NHS uses personal confidential data and your rights in:

- [The NHS Care Record Guarantee](#)
- [The NHS Constitution](#)
- An independent review of information about service users is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, [Information: To share or not to share? The Information Governance Review](#).
- Please visit the [NHS Digital's website](#) for further information about their work. The [Guide to Confidentiality](#) provides a useful overview of the subject.
- The [Information Commissioner's Office](#) is the Regulator for Data Protection Legislation.
- The [NHS Health Research Authority \(HRA\)](#) protects and promotes the interests of patients and the public in health and social care research.