**NIMBUSCARE Ltd**

**Privacy Notice V1**

**IMPROVING ACCESS SERVICE IN CENTRAL YORK**

**OUR LEGAL BASIS FOR PROCESSING YOUR DATA AS A PATIENT**

Processing is for direct patient care and we must establish both a lawful basis for processing and a special category condition for processing to comply with the General Data Protection Regulation (GDPR).

The lawful basis for processing is Article 6(1)(e) ‘necessary in the exercise of official authority vested in the controller’ and the special category condition is Article 9(2)(h) ‘necessary for the purposes of preventative 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’.

Where disclosures are a legal requirement the lawful basis and special category condition for processing are: Article 6(1)(c) ‘...for compliance with a legal obligation…’ and Article 9(2)(h) ’…management of health or social care systems…’

Nimbuscare Ltd will always gain your consent before releasing the information for this purpose, the GDPR lawful basis and special category condition are Article 6(1)(e) ‘…for the performance of a task carried out in the public interest…’ and Article 9(2)(j) ‘…research purposes…’

**How we use your information**

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Records which the Nimbuscare Improving Access service hold about you may include the following information;

* Details about you, such as your address, carer, legal representative, emergency contact details
* Details of your registered GP surgery
* Any contact we have had with you, such as appointments, clinic visits, emergency appointments, etc.
* Notes and reports about your health
* Details about your treatment and care
* Results of investigations such as laboratory tests, x-rays etc
* Relevant information from other health professionals, relatives or those who care for you.

**Disclosures which are required by law or clinical audit requirements**

In order to comply with its legal obligations we may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012 and we contribute to national clinical audits and will send the data which are required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form, for example, the clinical code for diabetes or high blood pressure.

**Disclosures for medical research or health management purposes**

We will always gain your consent before releasing the information for this purpose, we may contribute to medical research and may send relevant information to medical research databases when consent is obtained and the law allows.

**National Opt-Out Facility**

**You can choose whether your confidential patient information is used for research and planning.**

**Who can use your confidential patient information for research and planning?**

It is used by the NHS, local authorities, university and hospital researchers, medical colleges and pharmaceutical companies researching new treatments.

**Making your data opt-out choice**

You can choose to opt out of sharing your confidential patient information for research and planning. There may still be times when your confidential patient information is used: for example, during an epidemic where there might be a risk to you or to other people’s health. You can also still consent to take part in a specific research project.

**Will choosing this opt-out affect your care and treatment?**

No, your confidential patient information will still be used for your individual care. Choosing to opt out will not affect your care and treatment. You will still be invited for screening services, such as screenings for bowel cancer.

**What should you do next?**

You do not need to do anything if you are happy about how your confidential patient information is used. If you do not want your confidential patient information to be used for research and planning, you can choose to opt out securely online or through a telephone service.

**You can change your choice at any time. To find out more or to make your choice visit** **www.nhs.uk/your-nhs-data-matters or call 0300 303 5678**

**How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

* EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR)
* Human Rights Act 1998 Common
* Health and Social Care Act 201 NHS Codes of Confidentiality,
* Information Security and Records Management
* Information: To Share or Not to Share Review

Every member of staff who works for an NHS organization has a legal obligation to keep information about you confidential.

We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the new information sharing principle following Dame Fiona Caldicott’s information sharing review (Information to share or not to share) where “The duty to share information can be as important as the duty to protect patient confidentiality.” This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

**Who are our partner organisations?**

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations;

* Your registered GP surgery
* NHS Trusts / Foundation Trusts
* NHS Commissioning Support Units
* Independent Contractors such as dentists, opticians, pharmacists
* Private Sector Providers
* Voluntary Sector Providers
* Ambulance Trusts
* Clinical Commissioning Groups
* Social Care Services
* NHS Digital
* Local Authorities
* Education Services
* Fire and Rescue Services
* Police & Judicial Services
* Other ‘data processors’ which you will be informed of

You will be informed who your data will be shared with and in some cases asked for explicit consent for this happen when this is required.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

**Your rights in relation to your data**

* Right to Access – please see the ‘access to personal information’ section below
* Right of rectification - right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
* Right to object – you have the right to object to the processing of your data at anytime

**Access to personal information**

You have a right under GDPR to request access to view or to obtain copies of what information we hold about you and to have it amended should it be inaccurate. This is known as a ‘subject access request’ (SAR), in order to request this, you need to do the following:

* Your request can be made verbally or in writing to Nimbuscare Ltd
* No charge will be made to provide the information
* We are required to respond to you within 1 month
* You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified by reasonable means and your records located

**How long data will be retained**

We will hold, protect and maintain your data for as long as your patient / doctor relationship is in place with us.

**Objections**

Should you have any concerns about how your information is managed by us, please contact the Data Protection Officer. If you are still unhappy following a review by Nimbuscare Ltd, you can then complain to the Information Commissioner’s Office (ICO) via their website (www.ico.gov.uk).

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact Nimbuscare Ltd.

**Change of Details**

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

**Notification**

GDPR requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

This information is publicly available on the Information Commissioners Office website www.ico.org.uk.

Nimbuscare Ltd is registered with the Information Commissioners Office (ICO). Our registration number is: ZA439119.

**Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is Nimbuscare Ltd.

**Complaints**

Should you have any concerns about how your information is managed by us please contact the Data Protection Officer:

Data Protection Officer:

Nimbuscare Ltd

Improving Access Service

Gale Farm Surgery

109-119 Front Street

Acomb

York

YO24 3BU

01904 798329

If you are still unhappy following a review by Nimbuscare Ltd, you can then complain to the Information Commissioners Office (ICO). [www.ico.org.uk](http://www.ico.org.uk), casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745.