

## How we use your Information

### Who we are

NHS Somerset Clinical Commissioning Group (CCG) is responsible for securing, planning, designing and paying for your NHS services. These NHS Services include planned and emergency hospital care, mental health services, rehabilitation, and community health services. This is known as commissioning. We use patient information to enable us to understand how patients use services and the care and treatment required so we can ensure we commission high quality safe care that is both clinically and cost effective.

For further information please refer to the 'About Us' page on our website:

<http://www.somersetccg.nhs.uk>

### How do we use data?

The CCG does not itself hold patient information and mostly the information we receive is anonymised from hospital and GP records to help us plan and develop services. However, from time to time we do need to access your data for very specific purposes such as reviewing request for individual funding or continuing care. These uses are explained in more detail later in this Privacy Notice.

### What is this Privacy Notice about?

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 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.

This notice is not exhaustive. However, we are happy to provide any additional information or explanation needed. Please contact us using the contact details at the end of this notice.

### Our Commitment to Data Privacy and Confidentiality Issues

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

Somerset CCG is a Data Controller under the terms of the Data Protection Act 1998. We are legally responsible for ensuring that all personal information that we process i.e. hold, obtain, record, use or share about you, is processed in compliance with the 8 Data Protection Principles.

All data controllers must notify the Information Commissioner's Office (ICO) of all personal information processing activities. Our ICO Data Protection Register number is **ZA004240** and our entry can be found in the Data Protection Register on the [Information Commissioner's Office website](#).

Everyone working for the NHS has a legal duty to keep information about you confidential. The [NHS Care Record Guarantee](#) and [NHS Constitution](#) provide a commitment that all NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.

As commissioners, we share information about NHS services that you have received, that does not identify you (anonymised), with other NHS and social care partner agencies for the purpose of improving local services, research, audit and public health.

We do not share information that identifies you unless we have a fair and lawful basis; occasionally this means we may be required to disclose information without your consent. The circumstances in which we may share information include:

- You have given us permission;
- To protect children and vulnerable adults;
- When a formal court order has been served upon us; and/or
- 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.

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

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

We will only retain information in accordance with the schedules set out in the [Records Management Code of Practice for Health and Social Care 2016](#). When appropriate we will confidentially and securely dispose of information in accordance with the Code of Practice.

### ***Overseas Transfers***

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

### **Your Rights**

You have certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal confidential data we hold about you. You have the right to privacy and to expect the NHS to keep your information confidential and secure.

You also have a right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered.

These are commitments set out in the NHS Constitution, for further information please visit <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

You have the right to withdraw consent to us sharing your personal information.

If you do not agree to certain information being processed or shared with us, or by us, or have any concern, then please let us know. We will explain the possible impact this could have on our ability to help you and discuss alternative arrangements that are available to you.

You have the right to refuse/withdraw consent to information sharing at any time. The possible consequences can be fully explained to you and could include delays in receiving care. If you wish to discuss withdrawing consent please contact us using the contact details at the end of this notice.

### ***What is the patient opt-out?***

The NHS Constitution states "You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered".

There are several forms of opt- outs available at different levels. These include for example:

#### ***A. Information directly collected by the CCG:***

Your choices can be exercised by withdrawing your consent for the sharing of information that identifies you, unless there is an overriding legal obligation.

***B. Information not directly collected by the CCG, but collected by organisations that provide NHS services:***

***Type 1 opt-out***

If you do not want personal confidential data information that identifies you to be shared outside your GP practice, for purposes beyond your direct care, you can register a 'Type 1 opt-out' with your GP practice. This prevents your personal confidential information from being used other than 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.

Records for patients who have registered a 'Type 1 opt-out' will be identified using a particular code that will be applied to your medical records that will stop your records from being shared outside of your GP Practice.

***Type 2 opt - out***

NHS Digital (previously the Health and Social Care Information Centre) collects information from a range of places where people receive care, such as hospitals and community services.

Patients within England are able to opt out of their personal confidential data being shared by the NHS Digital for purposes other than their own direct care, this is known as a 'Type 2 opt-out'

If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a 'Type 2 opt-out' with your GP practice.

Patients are only able to register the opt-out at their GP practice.

***Further Information about Type 2 opt-outs:***

For further information and support relating to Type 2 opt-outs please contact NHS Digital contact centre at [enquiries@nhsdigital.nhs.uk](mailto:enquiries@nhsdigital.nhs.uk) referencing 'Type 2 opt-outs - Data requests' in the subject line; call them on 0300 303 5678; or visit [www.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs](http://www.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs)

***Complaints or questions***

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures. Please see contact details at the end of this notice or visit <http://www.somersetccg.nhs.uk/contact-us/complaints/> for more information.

**For independent advice about data protection, privacy and data-sharing issues, you can contact the:**

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Phone: 08456 30 60 60 or 01625 54 57 45

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Complaints may also be made directly to the Information Commissioner's Office, <https://ico.org.uk/concerns>.

### ***Subject Access Requests***

Individuals can find out if we hold any personal information by making a 'subject access request' under the Data Protection Act 1998. If we do hold information about you we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it could be disclosed to; and
- Let you have a copy of the information in an intelligible form.

To make a request for any personal information we may hold you need to put the request in writing the Information Governance Team using the following contact details: Somerset Clinical Commissioning Group, Wynford House, Lufton Way, Lufton, Yeovil, Somerset, BA22 8HR, Email: [dataprotection@somersetccg.nhs.uk](mailto:dataprotection@somersetccg.nhs.uk)

If we do hold information about you, you can ask us to correct any mistakes.

### ***Confidentiality Advice and Support***

The CCG has a Caldicott Guardian who is a senior person responsible for protecting the confidentiality and information of service users and enabling appropriate and lawful information-sharing. The contact details of our Caldicott Guardian are as follows:

**Sandra Corry, Director of Quality and Safety, Tel: 01935 385023**

[sandra.corry@somersetccg.nhs.uk](mailto:sandra.corry@somersetccg.nhs.uk)

## Personal Information we collect and hold about you

As a commissioner, we do not routinely hold or have access to your medical records. However, 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 referral service
- 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 that provide NHS care.
- If you ask us to keep you regularly informed and up-to-date about the work of the CCG, or if you are actively involved in our engagement and consultation activities or service user groups.

Our records may include relevant information that you have told us, or information provided on your behalf by relatives or those who care for you, or from health professionals and other staff directly involved in your care and treatment.

Our records may be held on paper or in a computer system. **The types of information that we may collect and use include the following:**

**Personal Confidential Data:** This includes:

- **Personal information:** in accordance with the Data Protection Act definition this includes information which relate to a living individual and includes expression of opinion, the definition has been extended to include information relating to deceased individuals as well.
- **Sensitive Personal Data:** in accordance with the Data Protection Act definition this includes information about an individual's: Racial or ethnic origin; political opinions; religious beliefs; trade union membership; health; sexual life; alleged criminal activity; or court proceedings.
- **Confidential Information** including both information 'given in confidence' and 'that which is owed a duty of confidence' this also includes and is adapted to include 'sensitive' as defined in the Data Protection Act.

**Personal Confidential Data** may include: your name, address, postcode, date of birth and NHS number; information about your 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.

***Our Uses of Information***

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes and rationale for why we collect and process information:

<b>Purpose Activity</b>	<b>Rationale</b>
<b>Complaints</b>	<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 need to rely on your explicit consent to undertake such activities.</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.</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</p>

	<p>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. 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><i>Funding treatments</i></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. 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 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 explicit consent.</p>
<p><b><i>Continuing Healthcare</i></b></p>	<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 explicit consent.</p>



<p><b>Safeguarding</b></p>	<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>Because of public Interest issues, e.g. to protect the safety and welfare of vulnerable children and adults, we will rely on a statutory basis rather than consent to process information for this use.</p>
<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>Healthcare staff will ask your permission before they look at your record, except in certain circumstances (for example, if you are unconscious). We will rely on your consent for this purpose.</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>

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

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 April 2017.

### **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

	<p>CSU.</p> <p>.</p> <p>This processing for risk stratification takes place under contract with SCW CSU and Optum has the following these steps below:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <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>

**Data Type**

Personal Confidential Data – May include Primary and Secondary Care Data

**Legal Basis**

A Section 251 exemption enables us to process patient identifiable information without patient consent for the purposes of invoice validation.

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 31 March 2017 to allow time for systems to be established to ensure that personal confidential data is processed lawfully.

More information about Section 251 is here: <http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/>

**Commissioning Benefits**

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.

**Processing Activities**

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.

The minimum amount of information about you is used and we will only use personal identifiable information when absolutely necessary.

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:

	<p><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="https://www.igt.hscic.gov.uk/">https://www.igt.hscic.gov.uk/</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 at the end of this notice.</p>
<p><b>Referral Service</b></p>	<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 implicit consent 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><b>Commissioning</b></p>	<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.</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</p>

	<p>identify you, for wider NHS purposes such as managing and funding the NHS, 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</i></b></p>	<p>The CCG will use the services of the additional data processors, who will provide additional expertise to support the work of the</p>

*to provide support services for us*

CCG:

### **Data Type**

Personal Confidential Data, Pseudonymised Data, Anonymous Data  
– May include Primary and Secondary Care Data

### **Legal Basis**

We have entered into contracts with other NHS organisations to provide some services for us or on our behalf. These organisations are known as “data processors”. Below are details of our data processors and the function that they carry out on our behalf:

- NHS South, Central and West Commissioning Support Unit: Risk Stratification, Invoice Validation, Commissioning Intelligence analysis (*add value to the analyses of data that does not directly identify individuals*)
- NHS South Gloucestershire CCG / NHS North Somerset CCG / NHS Bristol CCG (*shared services*)
- Grant Thornton LLP (External auditor): Audit our accounts and *services with specific case reviews from time to time* (*add value to the analyses of data that does not directly identify individuals*)
- BDO LLP (Internal auditor): Audit our accounts and *services with specific case reviews from time to time*
- TIAA Ltd: Counter Fraud investigations and audits
- NHS Litigation Authority – Claims Management (*we rely on your consent*)
- Shred It - Confidential Waste Disposal Company to shred information in a secure environment
- NHS Shared Business Service –*Invoice Validation* (*see page 10*)
- Somerset County Council – Jointly commission services, safeguarding (*individuals not identified*)

### **Benefits**

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.

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><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 is responsible for carrying out data matching exercises.</p> <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>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 <a href="https://www.gov.uk/government/collections/national-fraud-initiative">https://www.gov.uk/government/collections/national-fraud-initiative</a>.</p> <p>The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.</p>
<p><b>National Registries</b></p>	<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><b>Research</b></p>	<p>To support research oriented proposals and activities in our</p>

commissioning system

**Data Type**

Personal Confidential Data, Pseudonymised Data, Anonymous Data  
– May include Primary and Secondary Care Data

**Legal Basis**

Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any research.

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.

**Benefits**

Researchers can provide direct benefit to individuals who take part in medical trials and indirect benefit to the population as a whole.

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.

**Processing Activities**

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.

**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.**

***Reviews of and Changes to our Privacy Notice***

We will keep our privacy notice under regular review. This privacy notice was last reviewed in September 2016.

## Contact us

If you have any questions or concerns regarding how we use your information, please contact us at:

**Post:** Somerset Clinical Commissioning Group, Wynford House, Lufton Way, Yeovil, Somerset, BA22 8HR

**Tel:** 01935 384000

**Email:** [dataprotection@somersetccg.nhs.uk](mailto:dataprotection@somersetccg.nhs.uk)

## Further information

Further information about the way in which the NHS uses personal confidential data and your rights can be found in:

- The **NHS Care Record Guarantee**:  
<http://systems.digital.nhs.uk/rasmartcards/documents/crg.pdf>
- The **NHS Constitution**: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- 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**, be found at:  
<https://www.gov.uk/government/publications/the-information-governance-review>
- The **NHS Commissioning Board – NHS England** – Better Data, Informed Commissioning, Driving Improved Outcomes: Clinical Data Sets provides further information about the data flowing within the NHS to support commissioning <http://www.england.nhs.uk/wp-content/uploads/2012/12/clinical-datasets.pdf>
- Please visit the **NHS Digital's** website for further information about their work.  
<http://digital.nhs.uk/collectingdata>
- **NHS Digital's** Guide to Confidentiality provides a useful overview of the subject. <http://digital.nhs.uk/media/21990/HSCIC-guide-to-confidentiality/pdf/HSCIC-guide-to-confidentiality.pdf>
- The **Information Commissioner's Office** is the Regulator for the Data Protection Act 1998. For further information please visit the Information Commissioner's Office website at <http://www.ico.org.uk>
- The **HRA** protects and promotes the interests of patients and the public in health and social care research. For further information visit their website at:  
<http://www.hra.nhs.uk/>