SpaMedica

PRIVACY NOTICE

YOUR RIGHT TO BE INFORMED

How we use your personal information

Contents

- Why we collect information about you
- How information is used
- Your rights
- How we keep your personal information confidential
- What to do if there's a problem with your data

Why we collect information about you

SpaMedica Limited (SpaMedica)

SpaMedica is an independent healthcare organisation that delivers cataract surgery and other general ophthalmology services for the NHS from 30 (and increasing) sites across England.

SpaMedica is the data controller for the information it collects, records, uses and stores about its patients, carers, staff and the public.

This privacy notice informs you how and why we collect and process your personal data and your rights relating to that data.

We are registered with the Information Commissioner's Office (ICO) and our registration number is ZA084855.

If you would like to look at our registration, please go to the data protection register on the ICO website or use the link: **https://ico.org.uk/esdwebpages/search**

Lawful basis for processing

We'll only process information relating to you as long as there's a lawful basis and it's necessary to do so. We may use one of the following lawful bases:

- **Public Task** – this is the lawful basis that we will mostly use to deliver our services as a provider of NHS services.
- **Legitimate Interest** – where we need to process your data for the day to day running of SpaMedica, other than for the performance of our public task.
- **Vital Interest** – when it is necessary to protect someone's life.
- **Legal Obligation** – where we need to comply with the law.
- **Contract** – in order to perform our contract with you.
- Where none of these are appropriate, then we will approach you for your specific consent.

What we collect and record about our patients and carers

We keep records about your treatment and care both on paper and electronically. Details of the information we keep include, but are not limited to:

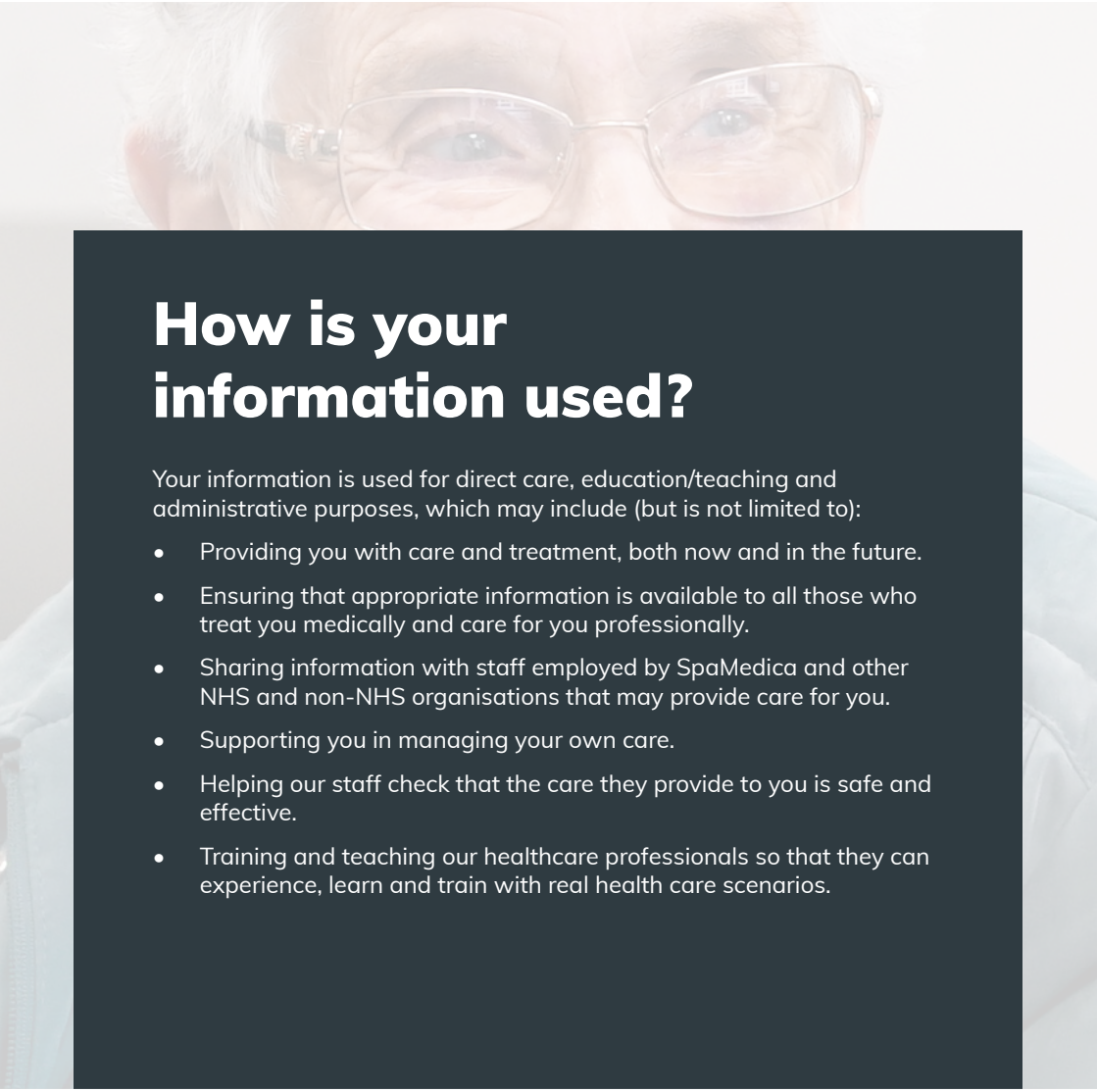
- Personal details such as name, address, date of birth, ethnicity and religion, NHS number and next of kin.
- Contact we have with you e.g. hospital admissions, outpatients/ clinic appointments.
- Notes and reports by health and care professionals about your health, GP details etc.
- Details and records about your treatment and care.
- Results of scans, laboratory tests, and any other tests.
- Relevant information about people that care for you and know you well.
- Basic details about associated people e.g. your spouse / partner, children, carers, relatives etc.

This information may be given to us directly by you. Our staff record information about you as part of your care. The staff who do this include surgeons, optometrists, nurses, HCTs, administrative and support staff.

We may also hold information relating to your direct care which has been provided to us by other NHS organisations such as your GP and optician.

Processing your data for direct care, education/training and administrative purposes

We need to collect, record, store and use your personal data in order to provide our healthcare services to you. SpaMedica has a lawful basis for processing personal data and meets the condition for processing special data. As a provider of NHS services, most of our processing is helping us undertake our public task, which is health care provision including education and teaching.



How is your information used?

Your information is used for direct care, education/teaching and administrative purposes, which may include (but is not limited to):

- Providing you with care and treatment, both now and in the future.
- Ensuring that appropriate information is available to all those who treat you medically and care for you professionally.
- Sharing information with staff employed by SpaMedica and other NHS and non-NHS organisations that may provide care for you.
- Supporting you in managing your own care.
- Helping our staff check that the care they provide to you is safe and effective.
- Training and teaching our healthcare professionals so that they can experience, learn and train with real health care scenarios.

As part of the NHS Constitution, the NHS commits:

"To ensure that those involved in your care and treatment have access to your health information so they can care for you safely and effectively"

To deliver this commitment, SpaMedica routinely sends your GP a letter detailing the outcome of any care we've delivered to you.

We'll also share proportionate information about your direct care with other appropriate NHS and non-NHS organisations, for example, your referring optician to help them provide care for you.

We may use your information for other purposes such as:

- To properly investigate any complaints or legal claim, should you, or someone on your behalf, makes a complaint about your care.
- To manage and plan our services.
- To send national surveys relating to the services you use

We share some information about you with organisations that don't provide direct care. Any information we provide always complies with data protection legislation and NHS Caldicott principles, and we ensure that it's relevant and proportionate for the purpose for which it's being used.

For example, we make mandatory, monthly returns of anonymised data to the government's Secondary Uses Service (SUS). This data is used by NHS commissioners and the Government to plan and assess healthcare provision locally, regionally and nationally.

Examples of organisations who we share information with include, but aren't limited to:

- National Optical Council (NOC).
- Government departments: e.g. NHS England, Department of Health.
- SUS submissions to a Data Sources for Commissioners Regional Office (DSCRO).

We may also share your information where we have a legal obligation, for example where:

- We receive a formal court order.
- There's a need to protect and safeguard vulnerable children and adults.
- There's a public health need such as infectious disease.

The above are only some examples. We may also use your data to provide:

- Anonymised information - where your data is turned into a form which does not identify you. This data cannot be converted back into an identifiable format.

OR

- Pseudonymised information - where your identifying data is replaced with non-identifiable data so that your 'real world' identity is removed. This data can only be converted back into identifiable format by an authorised, restricted keyholder. This is done through a strict approval process to ensure it is safe and secure and only used for the purpose in which it is being provided.

Your telephone/mobile phone number

We record telephone numbers to enable us to contact you to arrange appointments, or if an appointment has to be rearranged. We also contact you prior to your appointment to check that you are fit and well to undergo surgery. Some services also provide a text reminder service so that you can be reminded of your appointment. If you prefer not to be contacted in this way, please tell us so we can remove your number from the system.

Clinical audits and research

SpaMedica is exempt from requiring Health Research Authority Approval because most of our studies are audit based and therefore don't require ethical approval. Any research carried out at SpaMedica would be undertaken using the principles of the Declaration of Helsinki and approved by the SpaMedica Medical Advisory Board.

CCTV (closed circuit television)

We use CCTV in some parts of our hospitals to help us maintain the safety and security of individuals and property, for prevention and detection of crime and to facilitate the apprehension and prosecution of offenders. CCTV is used under strict guidelines and in line with national legislation and guidance.

We process this data as part of our legitimate interests.

Your rights

Accessing your information (Right of Access)

You have the right of access to records we hold on you. This is sometimes referred to as a Subject Access Request.

To help us process your request we'll require you to provide proof of your identity and some clarity about the information you require. A form is available to help with the request. For our patients, the form can be accessed on our website spamedica.co.uk or it can be provided by contacting the Subject Access Request team below.

Subject Access Request Spamedica Limited SpaMedica House
43 Churchgate Bolton
BL1 1HU

Other rights

In addition to the Right to be Informed (i.e. this privacy notice) and the Right of Access, which is documented above, you also have the:

- Right to Rectification
- Right to Erasure (Right to be Forgotten)*
- Right to Object
- Right to Restrict Processing
- Right to Data Portability*
- Right not to be subject to automated decision-making including profiling

*The right to erasure and right to data portability are not applicable when processing on the lawful basis of a public task.

If you'd like to exercise any of these other rights, please contact:

Data Protection Officer
SpaMedica Limited, SpaMedica House 43 Churchgate Bolton BL1 1HU

Email **Governance@SpaMedica.co.uk**

We'll consider your request and respond to you within 30 days.

National NHS data opt-out

If you've registered a national data opt-out for your NHS records, we will respect that. However, we may then need to ask you for specific details to inform your care and possible treatment by SpaMedica.

How we keep your personal information confidential

We keep all paper and electronic records securely to ensure confidentiality, integrity and availability and prevent unauthorised access.

The sensitivity of patient information is well understood within the healthcare sector. Our staff are required to undertake annual training on their duty of confidentiality and data protection, and responsibilities are written into employee's contracts.

Our contractors and agency staff have confidentiality clauses in their contracts.

All our staff have their own unique logon credentials (username / password) for accessing our systems and can only access those systems necessary for their job role. Within the different systems, their access is also in line with the individual's job role. This ensures confidential data is on a "need to know" basis.

We'll undertake a Data Protection Impact Assessment (DPIA) where necessary, for example at the start of any major new project that involves the use of personal data or introduces new technologies. We don't transfer any information to countries outside the UK. If your information is to be sent outside of the European Economic Area, we'll undertake a DPIA to ensure transfer is in accordance with Data Protection legislation and any identified risk is mitigated.

We use cookies which are harmless text files on our website. These are to improve your browsing experience and enable certain features or functionality. We don't use cookies for advertising purposes, or pass associated data devised from the cookies to any other organisation.

Further information on the use of cookies can be found on our website.

In the event of a data breach, this will be logged on our Incident Reporting system and fully investigated, with remedial action taken where required. We'll report certain types of personal data breach to the Information Commissioner's Office (ICO) and we're committed to the NHS Statutory Duty of Candour which means we'll be open when errors are made and harmed caused.

Retention of data

We keep your data for as long as required in line with national NHS Records Management Code of Practice for Health and Social Care 2016. For further information please use "NHS records management code of practice 2016" in an internet search engine or use the link: **https://digital.nhs.uk/article/1202/Records-Management-Codeof- Practice-for-Health-and-Social-Care-2016**

What to do if there's a problem with your data

The Information Commissioner's Office

If you'd like independent advice about data protection or if you're not satisfied with the handling of your rights under data protection, you can contact:

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

Tel: 0303 123 1113

Email: casework@ico.org.uk Website: www.ico.org.uk