



# Privacy Notice

## 1. About Us

H&B Health Ltd is made up of a group of local GP practices in the Hoddesdon & Broxbourne area coming together to deliver Primary Care services to people in South East Hertfordshire (appendix 1). Whilst a GP practice remains the center of Primary Care, we work together to deliver services in different ways which allows us to meet the changing needs of an increasing population.

H&B Health Ltd takes your privacy very seriously. We are the Data Controller of the personal data you provide to us or we receive from others about you, for the purposes set out in this Privacy Notice. We collect basic personal data about you, which includes name, address, contact details such as email and mobile number.

We also collect and/or use sensitive confidential data known as “special category personal data”, in the form of health and other related information for the purposes of providing direct healthcare services to you. If we are looking at new services that your practice determines may benefit your healthcare needs, through Case Findings or Risk Stratification (see section 4B), your GP practice would contact you directly about this and the sharing of your information for these purposes would only be with your explicit permission. We are registered with the Information Commissioners Office (ICO) and our registration number is: ZB315397

At H&B Health Limited, we are committed to protecting and respecting your privacy, informing you of your rights under Data Protection legislation and giving you access to these rights

## 2.Contact Us

### A. Data Controller

The contact details of the named, responsible Data Controller in the company is Richard Moore. You can contact Richard on [richard.moore12@nhs.net](mailto:richard.moore12@nhs.net) if:

1. You have any questions about your information being held
2. You require access to your information or if you wish to make a change to your information
3. If you wish to exercise any of your information rights in relation to this Privacy Notice and your rights as a patient.

### B. If you have a concern



If you have a concern or complaint about the way we handle your personal data or how we have used or handled your personal and/or healthcare information, **please contact the Data Controller** on the contact information provided, so we can review your concern in accordance with our internal policy.

In the event that your concern was not resolved by your contact with our named Data Controller, then please contact our Data Protection Officer, Tania Palmariellodiviney ( [rania@dataprivacysimplified.co.uk](mailto:rania@dataprivacysimplified.co.uk) )

You also have the right to raise any concern or complaint with the UK supervisory authority, at the **Information Commissioner's Office (ICO)**: <https://ico.org.uk/> or telephone: **0303 123 1113**.

**C. Data Protection Officer (DPO)**

Data Protection Officer (DPO) function for H&B Health Ltd is provided by Data Privacy Simplified Ltd. If you wish to contact the DPO for further information on how we use your data, or if you have a concern about anything to do with the personal and healthcare information we hold about you (that was not resolved by your enquiry with the Data Controller), please contact the DPO at [dpo@dataprivacysimplified.co.uk](mailto:dpo@dataprivacysimplified.co.uk)

**2. Lawful Basis relied on for processing information about you**

Data protection law requires that we set out the legal basis for holding and using information about you. We have set out the various reasons we use information about you and alongside each, the legal basis for doing so. Given that some information we hold about you is particularly sensitive (as described above), we need an additional legal basis which we have set out in the third column (entitled 'legal basis for more sensitive information') explaining our reason for this.

Processing shall be lawful only if and to the extent that at least one of the following applies:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- b) processing is necessary for the performance of a contract to which the data subject is party or to take steps at the request of the data subject prior to entering into a contract.
- c) processing is necessary for compliance with a legal obligation to which the controller is subject.
- d) processing is necessary to protect the vital interests of the data subject or of another natural person.
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.



f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, where the data subject is a child.

Under the General Data Protection Regulation and data protection legislation (2018), we typically rely on the following lawful basis to process your information for healthcare purposes:

Article 6 (e), processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

Where we have to share your information because we are required to do so under law, we use Article 6(c) above

Other lawful basis that may be relied on, depending on the purpose of the processing, are as follows:

**A. Vital Interests:**

There may be occasions where we rely on the lawful basis of Vital Interests in the event that we need to process personal data to protect an individual's life.

**B. Legal Obligation:**

Sometimes we are required by law to share your information. Examples of this may include such reasons as: to safeguard children or vulnerable adults, where it is in the wider public interest (public health), detection or prevention of crime, to defend a legal claim, reporting to DVLA, or where required by court order. In these instances, the lawful basis for sharing information is Legal Obligation.

**C. Consent:**

Your consent will be sought in certain instances, where we do not rely on another lawful basis to process your information. For example, if you wish to sign up to our newsletters or to release your information to a third party who we do not have a lawful basis to share your information with, your consent will be required. When consent is given as the lawful basis for processing your information, your consent can be withdrawn at any time.

**We will never sell or share your information for direct marketing**

**4. How We Use your Data for Direct Care Services**

Safe and effective care is dependent upon relevant information being shared between all those involved in caring for a patient. When an individual agrees to being treated by the wider care team, it creates a direct care relationship between the individual patient, the health and social care



professional, and their team. All health and adult social care providers are subject to the statutory duty under section 251B of the Health and Social Care Act 2012 to share information about a patient for their direct care. This duty is subject to both the Common Law Duty of Confidentiality and the UK GDPR and Data Protection Act 2018.

Your personal information will only be shared in accordance with your rights under the General Data Protection Regulation, Data Protection Act 2018, the Common Law Duty of Confidentiality, the NHS Constitution, and in keeping with professional and NHS Codes of Practice.

For further information on the use and sharing of confidential information, please follow the NHS England link [HERE](#)

**You have the right to object** to your information being shared for direct care, but in some circumstances this may delay or affect the care you receive. Always consult your GP or relevant health professional before deciding to opt out of sharing your information, as they will be able to advise you on the possible outcomes of this decision. Please see Section: Individual Rights for further information on the right to object.

We may use your personal data and healthcare records to:

- Provide you with primary care services i.e. Enhanced Access or vaccination services
- Refer you to other healthcare providers when you need other services or tests
- Share test results with hospitals or community services as necessary for your direct care needs
- Provide information back to your GP practice about any appointments attended with us
- Monitor the effectiveness of a new service or treatment

#### **A. Enhanced Access:**

When you access our direct care services, for example when you book an out of hours appointment, the My Care Record electronic record sharing facility is enabled to provide you with access to GP and other Primary Care appointments outside of your practice's regular opening hours. In order to provide this service, we have formal arrangements in place with the Integrated Care Board (ICB) and the local practices. This means we will need to access your healthcare record to be able to offer you the service. To ensure that each organisation involved in the Enhanced Access service comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only. Link [HERE](#) to further information on Hertfordshire & West Essex Shared Care Record.

#### **Third Party Technical Support Processors**

We may use data processors who are third parties, who provide technical administration services for us to deliver health care services to you. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them



to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct. If you require further information please contact our Data Controller (Richard Moore).

## 5. Non Direct Care

Whenever you use a health or care service, such as attending GP appointments, Accident & Emergency, admission to hospital, or using Community Care Services, important information about you is collected to help ensure you get the best possible care and treatment. In addition, this information may also be used by other approved organisations for non-direct care purposes, where there is a lawful basis to help with: planning services, improving care, research into developing new treatments, and preventing illness. All of this helps in providing better care to you and your family and future generations. Anonymised information (where you cannot be identified) will be used for non-direct care purposes whenever possible. However, as explained in this Privacy Notice, confidential information about your health and care is only used in this way where the law allows and would never be used for any other purpose without your permission.

**You have the right to object/opt out to your record being shared with anyone who is not involved in the provision of your direct healthcare.** However, if there is an overriding legal obligation to share information, we must do so (See Section 4D i.e. court order, safeguarding etc.). If you wish to enquire further, please contact the practice.

If you do choose to opt out, you can still agree to your data being used for specific purposes that you have agreed to. You can change your mind at any time by contacting your GP practice.

Please see Section: Individual Rights for further information on the right to object. If you are unsure how to do this, please contact the Federation.

### Organisations we may share your data for Non- Direct Care Purposes:

**A. Hertfordshire & West Essex Integrated Care Board (ICB - [HERE](#))** is the organisation responsible for commissioning (planning, designing and paying for) your NHS services. The ICB is made up of all Health and Care system leaders including local GPs, health professionals and commissioners, working together with other clinicians and patients to decide how the local NHS budget should be spent. Information provided to the ICB by H&B Health Ltd for reporting purposes is anonymised wherever possible. If data requires re identification, it is pseudo-anonymised, meaning the ICB cannot identify the individual, but we can by way of a special code. For more information on how the ICB uses your information, link [HERE](#)

### **B. Care Quality Commission Access to Health Records**

CQC has powers under the Health and Social Care Act 2008 to access and use your health information where it is necessary to carry out their functions as a regulator.



This means that inspectors may ask to look at certain records to decide whether we are providing safe, good quality care.

<https://www.cqc.org.uk/about-us/our-policies/privacy-statement#public>

### **C. Research Organisations**

H&B Health Ltd may coordinate health and social care research commissioned by the NHS, other health and social care organisations, universities, or commercial research partners for such purposes as developing new treatments and improving healthcare outcomes. If through Case Findings identified by your GP practice, and where you have not previously objected, your GP practice would contact you to determine if you would like to participate with a research project. If you are interested, you would be provided with the appropriate contact details by your practice.

We would ensure that data protection laws were followed to protect your data, and information about you would never be shared without your expressed permission.

**D.** For the purposes of complying with the law as explained in Section 3B.

**E.** Anyone you have given your consent to view or receive your information on your behalf. Please note, if you give another person or organisation consent to access your record we may need to contact you to verify/clarify your consent before we release the record. It is important to us that you are clear and understand how much information and what aspects of your record will be released.

If you do not want your patient data to be shared for purposes except your own care, you can opt-out of this process.

For further information please access the website here <https://digital.nhs.uk/services/national-data-opt-out> or contact your registered GP practice.

### **How long will we store your information?**

The information about you that we hold, and use is held securely in the United Kingdom and stored electronically and sometimes in paper format and on secure servers.

No records are stored outside the EEA.

We retain your records for certain periods (depending on the record) under our retention of records policy. H&B Health Limited follows the recommended best practice contained in the NHS Records Management Code of Practice. This is to ensure that information is properly managed and is available whenever and wherever there is a justified need for that information, including:

- to support patient care and continuity of care.
- to support evidence-based clinical practice.
- to assist clinical and other audits.
- to support our public task
- to meet legal requirements.



Your records may not be retained in hard copy form where a digital copy exists.

## Individual Rights

### 1. Individual Rights

The Law gives you certain rights about your personal and healthcare information that we hold.

We have one calendar month to reply to you and give you the information that you require or explain why we are unable to fulfil your request. We would ask, therefore, that any requests you make is in writing or verbal requests followed up in writing, so it is as clear as possible what you are requesting. This will prevent unnecessary delays in getting a response to you.

#### **A. Right of Access requests (SAR)**

Please note that in the electronic shared record environment (My Care Record), your GP practice is the Data Controller responsible for SAR requests. Please direct your request to your GP practice for access to your health record. If you are unsure how to do this, please contact H&B Health Ltd Data Controller (Richard Moore).

For all other requests of access:

You have the right to see what information we hold about you and to request a copy of this information. Under special circumstances, which have an overriding legal basis, some information may be withheld.

A subject access request can be made in writing or verbally to H&B Health Ltd, but we will need to verify who you are. Please use the following contact to make your request: Richard Moore, [richard.moore12@nhs.net](mailto:richard.moore12@nhs.net)

We will provide this information free of charge however, we may in some **limited and exceptional** circumstances have to apply a reasonable administrative charge for any extra copies or repetitive requests. If applicable, we will discuss this with you at the time of your request.

If you have consented to a third party to request a SAR on your behalf, we require the third party to supply us with your consent. Due to the confidentiality and sensitivity of health related information, if we are unsure about the consent provided or think you may not be aware of the extent of what would be disclosed in the request, we may contact to review and confirm the request with you before the SAR is processed.

#### **B. Right to Restriction of Processing**

You have the right to request we restrict processing your information while the accuracy, lawful basis, or the legitimate use of the information is being reviewed.

#### **C. Right to Rectification/Correction**



We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details or any of your dependant's contact details, including your mobile phone number has changed.

You have the right to have any mistakes or errors corrected. However, we are not aware of any circumstances in which you will have the right to delete information from your health record that is deemed accurate at the time of entry. Please contact us if you hold a different view.

#### **D. Right to be Forgotten**

The right is typically not available because the primary conditions we rely upon for processing your information for services are: for the performance of a task carried out in the public interest, or for reasons of public health in accordance with Art. 9(2) (h) or(i). If there are instances of a specific processing activity where you believe the lawful basis allows the right to be forgotten, please contact the practice to review your request.

#### **E. Right to Objection**

You have the right to object to your information being shared outside of our service; however you are not able to object to your health record being updated in the Enhanced Access service when you attend an appointment or your name, address and other demographic information being sent to NHS Digital, as this is necessary if you wish to be registered to receive NHS care.

You can object to processing of your information within H&B Health Ltd; however this would prevent us from providing you with any of our services.

Please note that there may be times where there are legitimate legal grounds that override the objection of an individual i.e.: a legal obligation that the data controller must comply with or for the establishment, exercise or defence of legal claims.

#### **F. Right to Portability**

The right to request portability is only available where the processing is based on the Data Protection legislation lawful basis of consent or contract and the processing is automated. These are typically not the lawful bases relied on in Primary Care services and are not the lawful bases relied on by H&B Health Ltd. If there are instances of a specific processing activity where you believe the lawful basis allows the right to portability, please contact the practice to review your request.

## **2. Our Website**





The only website this Privacy Notice applies to is the company's website. If you use a link to any other website from the company's website, then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

### **Where to find our Privacy Notice**

You may find a copy of this Privacy Notice on our website (link [HERE](#) ) or a physical copy may be provided on request.

### **15. Changes to our Privacy Notice**

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on February 2023

### **Appendix 1**

GP Practices in our Primary Care Network (PCN) are:

- Amwell Surgery
- Hailey View Surgery
- Park Lane Surgery
- The Limes Surgery