



Phoenix
Health
Solutions

ADULT PRIVACY POLICY

How we collect, look after and use your data.

This notice explains how Phoenix Health Solutions Ltd will collect, look after, use or otherwise process your personal data. 'Personal data' is information relating to you as a living, identifiable individual.

HOW IS MY INFORMATION COLLECTED AND LOOKED AFTER?

Who is responsible for my information?

Phoenix Health Solutions Ltd (PHS) is the data controller for your information and is responsible for looking after your record while you are a registered patient. The person with the key responsibility for data protection and security is **Karen Whitfield**. The Data Protection Officer for PHS is **Dr R G S Quartley**. Any queries or concerns should be raised with the Karen Whitfield first.

Why do we collect information about you?

As health professionals, we maintain records about you in order to support your care. On receipt of a referral via e-referral, we will register you on our patient administration system (PAS). We take great care to ensure that your information is kept securely, that it is up to date, accurate and used appropriately. All of our staff are trained to understand their legal and professional obligations to protect your information and will only look at your information if they need to.

What information do we hold about you?

- Details about you, such as your name, address, carers, biological gender, gender identity, ethnic origin, date of birth, legal representatives and emergency contact details
- Any contact the unit has had with you, such as appointments, clinic visits or emergency appointments
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests or x-rays
- Relevant information from other health professionals, relatives or those who care for you.

How is my information stored?

PHS uses a patient administration system called SystemONE Community Hospital which is where any electronic information about you will be stored. Any information held in paper records is scanned in to your electronic notes and the paper record shredded. We use a combination of working practices and technology to ensure that your information is kept confidential and secure.

What is the legal basis that we use to process your information?

We are required to tell you the legal basis that is used for the various ways we process and use your data. The following table sets the main ways your personal data may be used and the corresponding legal basis and category of data. Each purpose is covered in more detail within this notice to explain what these mean in more practical terms.



Purpose of using personal data	Legal basis of processing	Special category of data
Provision of direct care and related administrative purposes e.g. e-referrals to hospitals or other care providers.	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest.	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.
For commissioning and healthcare planning purposes e.g. collection of mental health data set via NHS Digital or local.	GDPR Article 6(1)(c) – compliance with a legal obligation.	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health.
For planning and running the NHS (other mandatory flow) e.g. CQC powers to require information and records.	GDPR Article 6(1)(c) – compliance with a legal obligation. Regulation 6(1)(e) – the performance of a task carried out in the public interest (CQC).	
For planning & running the NHS – national clinical audits.	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest.	
For research.	GDPR Article 6(1)(f) – legitimate interests...except where such interests are overridden by the interest or fundamental rights and freedoms of the data subject. GDPR Article 6(1)(e) – the performance of a task carried out in the public interest. GDPR Article 6(1)(a) – explicit consent.	GDPR Article 9(2)(j) – scientific or historical research purposes or statistical purposes.
For safeguarding or other legal duties.	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest. Regulation 6(1)(c) – compliance with a legal obligation.	GDPR Article 9(2)(b) – purposes of carrying out the obligations of...social protection law.
When you request us to share your information e.g. subject access requests.	GDPR Article 6(1)(a) – explicit consent.	GDPR Article 9(1)(a) – explicit consent.



When is my information shared?

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

- Data Protection legislation
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review.

How long does the unit hold my information?

As long as you are registered as a patient with Phoenix Health Solutions Ltd, a cached version of your electronic record is retained in the unit and classified as “inactive”. If anyone has a reason to access an inactive record, they are required to formally record that reason and this action is audited regularly to ensure that all access to inactive records is valid and appropriate. We may access this for clinical audit (measuring performance), serious incident reviews, or statutory report completion (e.g. for HM Coroner).

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.

How can I see what information you hold about me?

You have a right under data protection legislation to request to see what information the practice holds about you. You also have the right to ask for inaccuracies to be corrected and in some circumstances you have the right to request that we stop processing your data. Some of these rights are not automatic and we reserve the right to discuss with you why we might not comply with a request from you to exercise them.

If you make a Subject Access Request, we will:

- describe the information we hold about you
- tell you why we are holding that information
- tell you who it might be shared with
- at your request, provide a copy of the information in an easy to read form.

In order to request this, you need to do the following:

- Your request must be made in writing – for information from other units you should write direct to them
- We will provide electronic copies (via online access, by email or on CDROM) free of charge
- We are required to respond to you within 1 month.



You will need to give enough information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

In some circumstances there may be a charge to have a printed copy of the information held about you. If this is the case, this will be discussed with you before any charge is made.

If you would like to make a Subject Access Request or have any further questions, please contact **Karen Whitfield** on 01977 655607 or via email on phoenix.health@nhs.net please enter Subject Access Request in the Subject Header.



HOW IS MY INFORMATION USED?

For provision of direct care:

PHS staff will only look at what they need in order to carry out such tasks as booking appointments, making referrals, giving health advice or provide you with care.

Sometimes your information may be used to run automated calculations. These can be as simple as calculating your Body Mass Index but they can be more complex and used to calculate some risks to your health that we should consider with you. Whenever we use these profiling tools, we assess the outcome on a case-by-case basis. No decisions about individual care are made solely on the outcomes of these tools but they are used to help us assess and discuss your possible future health and care needs with you.

We share information about you with other health professionals where they have a genuine need for it to support your care, as follows.

Recipient of data	Reason
Mid Yorkshire Hospitals NHS Trust Doncaster & Bassetlaw Hospitals NHS Trust Methley Park Hospital Park Hill Hospital Doncaster	Secondary or emergency care
Other national providers of health care who you choose to be referred to, in consultation with your healthcare professional	Secondary or specialist care
Your GP - Subject to consent to Enhanced Data Sharing	

For commissioning and healthcare planning purposes:

In some cases, for example when looking at population healthcare needs, some of your data may be shared (usually in such a way that you cannot be identified from it). The following organisations may use data in this way to inform policy or make decisions about general provision of healthcare, either locally or nationally.

- Embed Health Consortium (NHS commissioning support unit)
- Wakefield Clinical Commissioning Group
- NHS Digital (Formerly known as (HSCIC)
- Secondary Care User Service (SUS)

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. PHS contributes 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 research purposes:

Research data is usually shared in a way that individual patients are non-identifiable. Occasionally where research requires identifiable information you may be asked for your explicit consent to participate in specific research projects. PHS will always gain your consent before releasing any information for this purpose.

For safeguarding purposes, life or death situations or other circumstances when we are required to share information:

We may also disclose your information to others in exceptional circumstances (i.e. life or death situations) or in accordance with Dame Fiona Caldicott's information sharing review (Information to share or not to share).

For example, your information may be shared in the following circumstances:

- When we have a duty to others e.g. in child protection cases
- Where we are required by law to share certain information.

When you request to see your information or ask us to share it with someone else:

If you ask us to share your data, often with an insurance company, solicitor, employer or similar third party, we will only do so with your explicit consent. Usually the requesting organisation will ask you to confirm your consent, often in writing or electronically. We check that consent before releasing any data and you can choose to see the information before we send it.

Please see the section sharing your information for more details of how your personal data is shared electronically within the NHS locally & nationally and your choices about being included in these sharing agreements.



OBJECTIONS / CONCERNS / COMPLAINTS

If you are happy for your data to be extracted and used for the purposes described in this notice then you do not need to do anything.

Should you have any concerns about how your information is managed at the PHS, please contact **Karen Whitfield**.

If you are still unhappy following a review by PHS, you can then complain to the Information Commissioners Office (ICO) via their website www.ico.org.uk, casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745.

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