

Privacy Notice – Individual Funding Requests

Plain English explanation

The CCG keeps identifiable and clinical data on you relating to the Continuing Health Care, Individual Funding Request and Personal Health Budget services where you have applied for these services.

This data is used to assess whether you meet the criteria for funding for these services and to enable provision of services thereafter.

People who have access to your information will only normally have access to that which they need to fulfil their roles.

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to comply with our legal obligations. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) Controller contact details	NHS Nene Clinical Commissioning Group Francis Crick House, 6 Summerhouse Road, Moulton Park, Northampton NN3 6BF
2) Data Protection Officer contact details	Claire Edgeworth Email: nelcsu.dpo@nhs.net Phone: 03000 428438
3) Purpose of the processing	<p>The NHS has a duty to spend the money it receives from the Government in a fair way, taking into account the health needs of the whole community. The CCGs role is to ensure it gets best value for this money by spending it wisely on behalf of the public.</p> <p>CCGs pay for local NHS health services and NHS England pays for highly specialised health services. The CCGs have a legal duty to provide health services for patients in the county with the fixed amount of money they have received from the Government. They have a legal duty not to spend more than this. This means that some hard choices have to be made. Not all treatments can be provided by the NHS. Treatments that are limited by CCGs are shown in their Clinical Commissioning Policies https://www.neneccg.nhs.uk/</p> <p>However, the CCGs know that there will always be times when a patient would benefit from a particular treatment not usually given by the NHS. To apply for this treatment, an Individual Funding Request is made. To allow the CCG to consider these requests, access to both personal and health information regarding the individual to whom the request relates is required. As the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, Part 7, Regulation 34 places a duty on CCGs in respect</p>

Privacy Notice – Individual Funding Requests

	<p>of the funding and commissioning of drugs and other treatments, this provides the CCG with a legal basis to use personal data as part of this process.</p> <p>The information will be provided by a clinician who submits an IFR application form on behalf of a patient.</p> <p>The Clinical Commissioning Group CCG commission NEL to provide these services on their behalf.</p> <p>Clinical Commissioning Groups participate in the National Fraud Initiative (NFI) run by the Government Cabinet Office which conducts data matching exercises to assist in the prevention and detection of fraud. Where applications are made for Personal Health Budget funding, your data will be shared for this purpose. More information on the NFI can be found on the Cabinet Office Privacy Notice here https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text</p>
<p>4) Lawful basis for processing</p>	<p>The processing of personal data in the support of delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p style="text-align: center;"><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p style="text-align: center;"><i>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...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p> <p>Where processing occurs for the National Fraud Initiative the conditions for processing are Article 6(1)e (above) and</p> <p>Article 9(2)h: processing is necessary for the purposes of the provision of health or social care or treatment or the management of health or social care systems and services.</p>
<p>5) Categories of personal data</p>	<p>The IFR application form includes NHS number, name and address, date of birth, GP details, diagnosis, requested intervention and other information relevant to the request. Gender and ethnicity are also collected and held in anonymous form for equality monitoring.</p>
<p>6) Recipient or categories of recipients of the processed data</p>	<p>Applications are considered by an independent panel who have not been involved in your treatment. The panel is made up of doctors, nurses, public health experts, pharmacists, NHS England representatives and lay members and is led by a lay chair.</p>

Privacy Notice – Individual Funding Requests

7) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please contact the Controller. You should be aware that this is a right to raise an objection, which is not the same as having an absolute right to have your wishes granted in every circumstance.
8) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a Court of Law.
9) Retention period	<p>The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the CCG.</p> <p>Reviewed, records relating to some treatments must be retained longer than others, this information is retained in the main health record held by the health professional making the application for funding.</p> <p>The minimum retention is 8 years at the end of care or last request. Records relating to children need to be kept until their 25 or 26th birthday depending on the circumstances.</p>
10) Right to Complain.	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;

Privacy Notice – Individual Funding Requests

- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.