

HERTFORDSHIRE ORTHOPAEDIC CENTRE LLP PATIENT PRIVACY NOTICE

Executive summary

1. As custodian of personal information relating to your medical treatment, we must only use that information in accordance with all applicable law and guidance. This Privacy Notice provides you with a detailed overview of how we will manage your data from the point at which it is gathered and onwards, and how that complies with the law. We will use your personal information for a variety of purposes including, but not limited to, providing you with care and treatment, sharing it with other medical professionals and research/clinical audit programmes.
2. In addition, you have a number of rights as a data subject. You can, for instance, seek access to your medical information, object to us using your information in particular ways, request rectification of any information which is inaccurate or deletion of information which is no longer required (subject to certain exceptions). This Privacy Notice also sets out your rights in respect of your personal information, and how to exercise them.
3. For ease of reference, this Notice is broken into separate sections below with headings which will help you to navigate through the document.

Introduction

1. This Privacy Notice sets out details of the information that we, as clinicians are responsible for your treatment (and including our medical secretaries), may collect from you and how that information may be used. Please take your time to read this Privacy Notice carefully.

About Us

2. In this Privacy Notice we use "**we**" or "**us**" or "**our**" or "**HOC**" to refer to the Hertfordshire Orthopaedic Centres as the clinicians who are using your personal information.
3. The clinicians and partners at the Hertfordshire Orthopaedic Centre LLP are Mr Adam Rumian, Mr Nicholas de Roeck, Mr Minhal Chatoo, Mr Frederik Schreuder, Mr Philip Kerr, Mr Tamer Sherief, Mr Stephen Tai and Mr Harpal Uppal.
4. In the event that you have any queries, comments or concerns in respect of the manner in which we have used, or potentially will use, your personal information then you should contact our Data

Protection Officer directly and she can liaise with your surgeon who would be happy to discuss further.

5. Our Data Protection Officer and how to contact us

HOC has appointed Hannah Ainsworth as the Hertfordshire Orthopaedic Centre data protection officer ("**DPO**"). The DPO helps ensure that HOC complies with data protection law. Our DPO has responsibility for data protection compliance in respect of the company set out above in section 3.

6. The DPO can be contacted by:

a) Telephone: 01462 452888

b) E-mail: hannah.ainsworth@hertsorthocentre.co.uk

c) Post: Data Protection Officer, Hertfordshire Orthopaedic Centre, Pinehill Hospital, Benslow Lane, Hitchin, Hertfordshire SG4 9QZ.

Your personal data

7. HOC is a Data Controller in respect of your personal information which we hold about you. This will mainly relate to your medical treatment, but will be likely to also include other information such as financial data in relation to billing. We must comply with the data protection legislation and relevant guidance when handling your personal information, and so must any medical secretary who assists us in an administrative capacity. Your personal data may include any images taken in relation to your treatment which must not only be managed in accordance with the law, this Privacy Notice but also all applicable professional standards including guidance from the General Medical Council and British Medical Association.

8. HOC will provide your treatment from a Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital and, in due course, it may be necessary for Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital to also process your personal data. HOC will do so in accordance with the law, the principles of this Privacy Notice and to the extent that it is necessary to do so. This could be where Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital needs to arrange other healthcare services as part of your treatment, such as nursing or dietician advice, or support other aspects of the treatment which we provide to you. In that case, Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital will become a joint Data Controller in respect of your personal information and you will be provided with a copy of their Privacy Notice which sets out how they will manage that information.

9. Your personal information will be handled in accordance with the principles set out within this Privacy Notice. This means that whenever we use your personal data, we will only do so as set

out in this Privacy Notice. From time to time, we may process your personal information at a Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital site (medical or non-medical), as may our medical secretaries.

What personal information do we collect and use from patients?

10. We will use “special categories of personal information” (previously known as "sensitive personal data") about you, such as information relating to your physical and mental health.
11. If you provide personal information to HOC about other individuals (including medical or financial information) you should inform the individual about the contents of this Privacy Notice. We will also process such information in accordance with this Privacy Notice.
12. In addition, you should note that in the event you amend data which we already hold about you (for instance by amending a pre-populated form) then we will update our systems to reflect the amendments. Our systems will continue to store historical data.

Personal information

13. As one of our patients, the personal information we hold about you may include the following:
 - a) Name
 - b) Contact details, such as postal address, email address and telephone number (including mobile number)
 - c) Financial information, such as credit card details used to pay us and insurance policy details
 - d) Occupation
 - e) Emergency contact details, including next of kin
 - f) Background referral details.

Special Categories Personal Information

14. As one of our patients, we will hold information relating to your medical treatment which is known as a special category of personal data under the law, meaning that it must be handled even more sensitively. This may include the following:
 - a) Details of your current or former physical or mental health, including information about any healthcare you have received from other healthcare providers such as GPs, dentists or hospitals (private and/or NHS), which may include details of clinic and hospital visits, as well as medicines administered. We will provide further details below on the manner in which we handle such information.

- b) Details of services you have received from us
- c) Details of your nationality, race and/or ethnicity
- d) Details of your religion
- e) Details of any genetic data or biometric data relating to you
- f) Data concerning your sex life and/or sexual orientation.

15. The confidentiality of your medical information is important to us, and we make every effort to prevent unauthorised access to and use of information relating to your current or former physical and mental health (or indeed any of your personal information more generally). In doing so, we will comply with UK data protection law, including the Data Protection Act 2018 and all applicable medical confidentiality guidelines issued by professional bodies including, but not limited to, the General Medical Council and the Nursing and Midwifery Council.

16. From 25 May 2018, the current Data Protection Act will be replaced by the EU General Data Protection Regulation (**GDPR**) and a new Data Protection Act. All uses of your information will comply with the GDPR and the new Data Protection Act from that date onwards

How do we collect your information?

17. We may collect personal information from a number of different sources including, but not limited to:

- a) GPs
- b) Dentists
- c) Other hospitals, both NHS and private (including Spire/other independent provider)
- d) Mental health providers
- e) Commissioners of healthcare services
- f) Other clinicians (including their medical secretaries)

Directly from you

18. Information may be collected directly from you when:

- a) You enter into a contract with me or Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital for the provision of healthcare services
- b) You use those services
- c) You complete enquiry forms on the Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital website
- d) You submit a query to us including by email or by social media
- e) You correspond with me by letter, email, telephone or social media.

From other healthcare organisations

19. Our patients will usually receive healthcare from other organisations, and so in order to provide you with the best treatment possible we may have to collect personal information about you from them. These may include:

- a) Medical records from your GP
- b) Medical records from other clinicians (including their medical secretaries)
- c) Medical records from your dentist
- d) Medical records from the NHS or any private healthcare organisation

20. Medical records include information about your diagnosis, clinic and hospital visits and medicines administered.

From third parties

21. As detailed in the previous section, it is often necessary to seek information from other healthcare organisations. We may also collect information about you from third parties when:

- a) You are referred to us for the provision of services including healthcare services
- b) We liaise with your current or former employer, health professional or other treatment or benefit provider
- c) We liaise with your family
- d) We liaise with your insurance policy provider
- e) We deal with experts (including medical experts) and other service providers about services you have received or are receiving from us
- f) We deal with NHS health service bodies about services you have received or are receiving from us
- g) We liaise with credit reference agencies
- h) We liaise with debt collection agencies
- i) We liaise with Government agencies, including the Ministry of Defence, the Home Office and HMRC.

How will we communicate with you?

22. We may communicate with you in a range of ways, including by telephone, SMS, email, and / or post. If we contact you using the telephone number(s) which you have provided (landline and/or mobile), and you are not available which results in the call being directed to a voicemail and/or answering service, we may leave a voice message on your voicemail and/or answering service as appropriate, and including only sufficient basic details to enable you to identify who the call is from, very limited detail as to the reason for the call and how to call us back.

23. However:

- a) to ensure that we provide you with timely updates and reminders in relation to your healthcare (including basic administration information and appointment information (including reminders)), we may communicate with you by SMS and/or unencrypted email (where you have provided me with your SMS or email address).

- b) to provide you with your medical information (including test results and other clinical updates) and/or invoicing information, we may communicate with you by email (which will be encrypted) where you have provided us with your email address. The first time we send you any important encrypted email that we are not also sending by post or which requires action to be taken, we will endeavour to contact you separately to ensure that you are able to access the encrypted email you are sent.

24. Please note that although providing your mobile number and email address and stating a preference to be communicated by a particular method will be taken as an affirmative confirmation that you are happy for us to contact you in that manner, we are not relying on your consent to process your personal data in order to correspond with you about your treatment. As set out further below, processing your personal data for those purposes is justified on the basis that it is necessary to provide you with healthcare service.

What are the purposes for which your information is used?

25. We may 'process' your information for a number of different purposes, which is essentially the language used by the law to mean using your data. Each time we use your data we must have a legal justification to do so. The particular justification will depend on the purpose of the proposed use of your data. When the information that we process is classed as a "special category of personal information", we must have a specific additional legal justification in order to use it as proposed.

26. Generally HOC will rely on the following legal justifications, or 'grounds':

- a) Taking steps at your request so that you can enter into a contract with us to receive healthcare services from us.

- b) For the purposes of providing you with healthcare pursuant to a contract between you and us. We will rely on this for activities such as supporting your medical treatment or care and other benefits, supporting your nurse, carer or other healthcare professional and providing other services to you.

- c) We have an appropriate business need to process your personal information and such business need does not cause harm to you. We will rely on this for activities such as

quality assurance, maintaining my business records, monitoring outcomes and responding to any complaints.

- d) We have a legal or regulatory obligation to use such personal information.
- e) We need to use such personal information to establish, exercise or defend my legal rights.
- f) You have provided your consent to our use of your personal information.

27. Note that failure to provide your information further to a contractual requirement with us may mean that we are unable to set you up as a patient or facilitate the provision of your healthcare.

28. We provide further detail on these grounds in the sections below.

Appropriate business needs

29. One legal ground for processing personal data is where we do so in pursuit of legitimate interests and those interests are not overridden by your privacy rights. Where we refer to use for our appropriate business needs, we are relying on this legal ground.

The right to object to other uses of your personal data

30. You have a range of rights in respect of your personal data, as set out in detail in sections 61 to 78. This includes the right to object to us using your personal information in a particular way (such as sharing that information with third parties), and we must stop using it in that way unless specific exceptions apply. This includes, for example, if it is necessary to defend a legal claim brought against us, or it is otherwise necessary for the purposes of your ongoing treatment.

You will find details of the Hertfordshire Orthopaedic Centre's legal grounds for each of our processing purposes below. We have set out individually those purposes for which we will use your personal information, and under each one we set out the legal justifications, or grounds, which allow us to do so. You will note that we have set out a legal ground, as well as an 'additional' legal ground for special categories of personal information. This is because we have to demonstrate additional legal grounds where using information which relates to a person's healthcare, as we will be the majority of the times we use your personal information.

Purpose 1: To set you up as our patient, including carrying out fraud, credit, anti-money laundering and other regulatory checks

31. As is common with most business, we have to carry out necessary checks in order for you to become a patient. These include standard background checks, which we cannot perform without using your personal information.

32. **Legal ground:** Taking the necessary steps so that you can enter into a contract with us for the delivery of healthcare.

33. **Additional legal ground for special categories of personal information:** The use is necessary for reasons of substantial public interest, and it is also in my legitimate interests to do so.

Purpose 2: To provide you with healthcare and related services

34. Clearly, the reason you come to us is to provide you with healthcare, and so we have to use your personal information for that purpose.

35. Legal grounds:

- a) Providing you with healthcare and related services
- b) Fulfilling our contract with you for the delivery of healthcare

36. Additional legal grounds for special categories of personal information:

- a) We need to use the data in order to provide healthcare services to you
- b) The use is necessary to protect your vital interests where you are physically or legally incapable of giving consent

Purpose 3: For account settlement purposes

37. We will use your personal information in order to ensure that your account and billing is fully accurate and up-to-date.

38. Legal grounds:

- a) HOC providing you healthcare and other related services
- b) Fulfilling our contract with you for the delivery of healthcare
- c) HOC having an appropriate business need to use your information which does not overly prejudice you
- d) Your consent

39. Additional legal grounds for special categories of personal information:

- a) We need to use the data in order to provide healthcare services to you
- b) The use is necessary in order for us to establish, exercise or defend our legal rights
- c) Your consent

Purpose 4: For medical audit/research purposes

Clinical audit

40. We may process your personal data for the purposes of local clinical audit – i.e. an audit carried out by the HOC clinicians or their direct team for the purposes of assessing outcomes for patients and identifying improvements which could be made for the future. We are able to do so on the basis of my legitimate interest and the public interest in statistical and scientific research, and with appropriate safeguards in place. You are, however, entitled to object to HOC using your personal data for this purpose, and as a result of which we would need to stop doing so. If you would like to raise such an objection then please contact us using the details provided in paragraph 5 above.
41. We may also be asked to share information with U.K. registries for which ethical approval is not necessarily required but which form part of the National Clinical Audit programme, hosted by NHS England and who provide a list of National Clinical Audit and Clinical Outcome Review programmes and other quality improvement programmes which we should prioritise for participation. We may do so without your consent provided that the particular audit registry has received statutory approval, or where the information will be provided in a purely anonymous form, otherwise your consent will be needed and either we will seek this from you or the registry themselves will do so. The registry which we regularly share data with is the National Joint Registry, National Ligament Registry, UKOC, Non-arthroplasty Hip Registry.

Purpose 5: Communicating with you and resolving any queries or complaints that you might have.

42. From time to time, patients may raise queries, or even complaints, with HOC and Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital and HOC take those communications very seriously. It is important that we are able to resolve such matters fully and properly and so we, as well as a Spire Healthcare Hospital, Ramsay Healthcare Hospital or One Healthcare Hospital will need to use your personal information in order to do so.
43. **Legal grounds:**
- a) Providing you with healthcare and other related services
 - b) Having an appropriate business need to use your information which does not overly prejudice you
44. **Additional legal grounds for special categories of personal information:**
- a) The use is necessary for the provision of healthcare or treatment pursuant to a contract with a health professional
 - b) The use is necessary in order for us to establish, exercise or defend our legal rights

Purpose 6: Communicating with any other individual that you ask us to update about your care and updating other healthcare professionals about your care.

45. In addition, other healthcare professionals or organisations may need to know about your treatment in order for them to provide you with safe and effective care, and so we may need to share your personal information with them. Further details on the third parties who may need access to your information is set out at section 56.

46. Legal grounds:

- a) Providing you with healthcare and other related services
- b) We have a legitimate interest in ensuring that other healthcare professionals who are routinely involved in your care have a full picture of your treatment

47. Additional legal ground for special categories of personal information:

- a) We need to use the data in order to provide healthcare services to you
- b) The use is necessary for reasons of substantial public interest under UK law
- c) The use is necessary in order for us to establish, exercise or defend our legal rights

48. We also participate in initiatives to monitor safety and quality, helping to ensure that patients are getting the best possible outcomes from their treatment and care. The Competition and Markets Authority Private Healthcare Market Investigation Order 2014 established the Private Healthcare Information Network (“**PHIN**”), as an organisation who will monitor outcomes of patients who receive private treatment. Under Article 21 of that Order, we are required to provide PHIN with information related to your treatment, including your NHS Number in England and Wales, CHI Number in Scotland or Health and Care Number in Northern Ireland), the nature of your procedure, whether there were any complications such as infection or the need for readmission/admission to a NHS facility and also the feedback you provided as part of any PROMs surveys. PHIN will use your information in order to share it with the NHS, and track whether you have received any follow-up treatment. We will only share this information with PHIN if you have provided your consent for me to do so.

49. The records that we share may contain personal and medical information about patients, including you. PHIN, like us, will apply the highest standards of confidentiality to personal information in accordance with data protection laws and the duty of confidentiality. Any information that is published by PHIN will always be in anonymised statistical form and will not be shared or analysed for any purpose other than those stated. Further information about how PHIN uses information, including its Privacy Notice, is available at www.phin.org.uk.

Purpose 7: Complying with our legal or regulatory obligations, and defending or exercising our legal rights

50. As a provider of healthcare, we are subject to a wide range of legal and regulatory responsibilities which is not possible to list fully here. We may be required by law or by regulators to provide personal information, and in which case we will have a legal responsibility to do so. From time to time, clinicians are unfortunately also the subject of legal actions or complaints. In order to fully investigate and respond to those actions, it is necessary to access your personal information (although only to the extent that it is necessary and relevant to the subject-matter).

51. Legal grounds:

- a) The use is necessary in order for us to comply with our legal obligations

52. Additional legal ground for special categories of personal information:

- a) We need to use the data in order for others to provide informed healthcare services to you
- b) The use is necessary for reasons of the provision of health or social care or treatment or the management of health or social care systems
- c) The use is necessary for establishing, exercising or defending legal claims

53. We are also required by law to conduct audits of health records, including medical information, for quality assurance purposes. Your personal and medical information will be treated in accordance with guidance issued by the Care Quality Commission (England), Health Inspectorate Wales and Healthcare Improvement Scotland

Purpose 8: Managing our business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (e.g. tax or legal advice)

54. In order to do this, we will not need to use your special categories of personal information and so will have not identified the additional ground to use your information for this purpose.

55. Legal grounds:

- a) HOC having an appropriate business needs to use your information which does not overly prejudice you

Disclosures to third parties:

56. We may disclose your information to the third parties listed below for the purposes described in this Privacy Notice. This might include:

- a) A doctor, nurse, carer or any other healthcare professional involved in your treatment
- b) Other members of support staff involved in the delivery of your care, like receptionists and porters
- c) Anyone that you ask us to communicate with or provide as an emergency contact, for example your next of kin or carer
- d) NHS organisations, including NHS Resolution, NHS England, Department of Health
- e) Other private sector healthcare providers
- f) Your GP
- g) Your dentist
- h) Other clinicians (including their medical secretaries)
- i) Third parties who assist in the administration of your healthcare, such as insurance companies
- j) Private Healthcare Information Network
- k) National and other professional research/audit programmes and registries, as detailed under purpose 4 above
- l) Government bodies, including the Ministry of Defence, the Home Office and HMRC
- m) Our regulators, like the Care Quality Commission, Health Inspectorate Wales and Healthcare Improvement Scotland
- n) The police and other third parties where reasonably necessary for the prevention or detection of crime
- o) Our insurers
- p) Debt collection agencies
- q) Credit referencing agencies
- r) Our third party services providers such as IT suppliers, actuaries, auditors, lawyers, marketing agencies, document management providers and tax advisers
- s) Selected third parties in connection with any sale, transfer or disposal of our business
- t) We may also use your personal information to provide you with information about products or services which may be of interest to you where you have provided your consent for me to do so.

57. We may communicate with these third parties in a variety of ways including, but not limited to, email, post, fax and telephone.

Automated Decision Making

58. An automated decision is a decision made by computer without any human input, and there will be no automated decision-making in relation to your treatment or other decisions which will produce legal or similarly significant effects.

How long do we keep personal information for?

- 59. HOC will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with my legal and regulatory obligations which is 30 years.
- 60. If you would like further information regarding the periods for which your personal information will be stored, please contact HOC using the details outlined in section 5.

Your rights

- 61. Under data protection law you have certain rights in relation to the personal information that we hold about you. These include rights to know what information we hold about you and how it is used. You may exercise these rights at any time by contacting our DOP using the details provided at section 5 above.
- 62. There will not usually be a charge for handling a request to exercise your rights.
- 63. If we cannot comply with your request to exercise your rights we will usually tell you why.
- 64. There are some special rules about how these rights apply to health information as set out in legislation including the Data Protection Act (current and future), the General Data Protection Regulation as well as any secondary legislation which regulates the use of personal information.
- 65. If you make a large number of requests or it is clear that it is not reasonable for me to comply with a request then we do not have to respond. Alternatively, we can charge for responding.

Your rights include:

The right to access your personal information

- 66. You are usually entitled to a copy of the personal information we hold about you and details about how we use it.
- 67. Your information will usually be provided to you in writing, unless otherwise requested. If you have made the request electronically (e.g. by email) the information will be provided to you by electronic means where possible.
- 68. Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person

to provide it to you.

69. You are entitled to the following under data protection law.

1. Under Article 15(1) of the GDPR we must usually confirm whether we have personal information about you. If we do hold personal information about you we usually need to explain to you:
 - i. The purposes for which we use your personal information
 - ii. The types of personal information we hold about you
 - iii. Who your personal information has been or will be shared with, including in particular organisations based outside the EEA.
 - iv. If your personal information leaves the EU, how we will make sure that it is protected
 - v. Where possible, the length of time we expect to hold your personal information. If that is not possible, the criteria we use to determine how long we hold your information for
 - vi. If the personal data we hold about you was not provided by you, details of the source of the information

Whether we make any decisions about you solely by computer and if so details of how those decision are made and the impact they may have on you

- vii. Your right to ask HOC to amend or delete your personal information
 - viii. Your right to ask HOC to restrict how your personal information is used or to object to my use of your personal information
 - ix. Your right to complain to the Information Commissioner's Office
2. We also need to provide you with a copy of your personal data, provided specific exceptions and exemptions do not apply.

The right to rectification

70. HOC take reasonable steps to ensure that the information we hold about you is accurate and complete. However, if you do not believe this is the case, you can ask us to update or amend it.

The right to erasure (also known as the right to be forgotten)

71. HOC may update this Privacy Notice from time to time to ensure that it remains accurate, and the most up-to-date version can always be found at www.hertsorthocentre.co.uk. In the event that there are any material changes to the manner in which your personal information is to be used then we will provide you with an updated copy of this Privacy Notice.

72. In some circumstances, you have the right to request that we delete the personal information we hold about you. However, there are exceptions to this right and in certain circumstances we can

refuse to delete the information in question. In particular, for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercising or defending legal claims.

The right to restriction of processing

73. In some circumstances, we must "pause" our use of your personal data if you ask us to do so, although we do not have to comply with all requests to restrict our use of your personal information. In particular, for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims.

The right to data portability

74. In some circumstances, we must transfer personal information that you have provided to us or (if this is technically feasible) another individual/organisation of your choice. The information must be transferred in an electronic format.

The right to withdraw consent

75. In some cases we may need your consent in order for my use of your personal information to comply with data protection legislation. Where we do this, you have the right to withdraw your consent to further use of your personal information. You can do this by contacting us using the details provided at section 5 above.

The right to complain to the Information Commissioner's Office

76. You can complain to the Information Commissioner's Office if you are unhappy with the way that we have dealt with a request from you to exercise any of these rights, or if you think we have not complied with our legal obligations.

77. More information can be found on the Information Commissioner's Office website:
<https://ico.org.uk/>

78. Making a complaint will not affect any other legal rights or remedies that you have.

National Data Opt-Out Programme

79. NHS Digital is currently developing a national programme which will go live on 25 May 2018, pursuant to which all patients will be able to log their preferences as to sharing of their personal information. All health and care organisations will be required to uphold patient choices, but only from March 2020. In the meantime you should make HOC aware directly of any uses of your data to which you object.

Updates to this Privacy Notice

80. HOC may update this Privacy Notice from time to time to ensure that it remains accurate. In the event that these changes result in any material difference to the manner in which we process your personal data then we will provide you with an updated copy of the Policy.

81. This Privacy Notice was last updated on 10/05/2018.