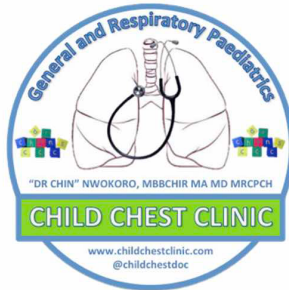


ELSTREE
Elstree Outpatients Centre
Beaufort House, The Waterfront
Elstree Road
Elstree
WD6 3BS
020 3553 6765



HATFIELD
One Hatfield Hospital
Hatfield Avenue
Hatfield Business Park
Hatfield
AL10 9UA
01707443333

web: www.childchestclinic.com

email: secretary@childchestclinic.com

PRIVACY POLICY

Executive summary

1. As your child's treating clinician and therefore custodian of personal information relating to their medical treatment, I must only use that information in accordance with all applicable law and guidance. This Privacy Notice provides you with a detailed overview of how I will manage your/your child's data from the point at which it is gathered and onwards, and how that complies with the law. I will use your/your child's 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 me 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 I, as a clinician responsible for your child's treatment (and including my medical secretaries), may collect from you and how that information may be used. Please take your time to read this Privacy Notice carefully.

About me

2. In this Privacy Notice I use "I" or "mine" or "my" to refer to me as the clinician who is using you/your child's personal information.

3. In the event that you have any queries, comments or concerns in respect of the manner in which I have used, or potentially will use, you/your child's personal information then you should contact me directly and I would be happy to discuss further on 07753882808.

Your personal data

4. I am a Data Controller in respect of you/your child's personal information which I hold about you/your child. This will mainly relate to your medical treatment, but may also include other information such as financial data in relation to billing. I must comply with the data protection legislation and relevant guidance when handling you/your child's personal information, and so must any medical secretary who assists me 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.

5. I will provide your child's treatment from either the One Hatfield Hospital or HCA Elstree Outpatients and Diagnostics Centre and, in due course, it may be necessary for them to also process you/your child's personal data. I 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 One Hatfield or HCA Elstree needs to arrange other healthcare services as part of your child's treatment, such



as nursing or dietician advice, or support other aspects of the treatment which I provide to your child. In that case, One Hatfield or HCA Elstree will become a joint Data Controller in respect of you/your child's personal information and you will be provided with a copy of their Privacy Notice which sets out how they will manage that information.

6. You/your child's personal information will be handled in accordance with the principles set out within this Privacy Notice. This means that whenever I use your personal data, I will only do so as set out in this Privacy Notice. From time to time, I may process you/your child's personal information at other sites (medical or non-medical), as may my medical secretary.

What personal information do I collect and use from patients?

7. I will use "special categories of personal information" (previously known as "sensitive personal data") about you/your child's, such as information relating to your child's physical and mental health.

8. If you provide personal information to me about other individuals (including medical or financial information) you should inform the individual about the contents of this Privacy Notice. I will also process such information in accordance with this Privacy Notice.

9. In addition, you should note that in the event you amend data which I already hold about you/your child (for instance by amending a pre-populated form) then I will update our systems to reflect the amendments. Our systems will continue to store historical data.

Personal information

10. As one of my patients, the personal information I hold about your child may include the following:

- a) Name and date of birth
- b) Contact details, such as postal address, your email address and telephone number (including mobile number)
- c) Financial information, such as credit card details used to pay us (this information is not retained without permission) and insurance policy details
- d) Background referral details

Special Categories Personal Information

11. As one of my patients, I will hold information relating to your child's 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 child's current or former physical or mental health, including information about any healthcare your child has 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. I will provide further details below on the manner in which I handle such information.
- b) Details of services your child has received from me

12. The confidentiality of your child's medical information is important to me, and I 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, I 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 RCPCH.

13. 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 I collect your information?

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

- a) GPs
- b) Other hospitals, both NHS and private
- c) Commissioners of healthcare services
- d) Other clinicians (including their medical secretaries)

Directly from you

15. Information may be collected directly from you when:

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

From other healthcare organisations

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

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

17. Medical records include information about your child's diagnosis, clinic and hospital visits and medicines administered.

From third parties

18. As detailed in the previous section, it is often necessary to seek information from other healthcare organisations. I may also collect information about your child from third parties when:

- a) Your child is referred to me for the provision of services including healthcare services
- b) I liaise with your child's current health professional or other treatment or benefit provider
- c) I liaise with your family
- d) I liaise with your insurance policy provider
- e) I deal with experts (including medical experts) and other service providers about services your child has received or is receiving from me
- f) I deal with NHS health service bodies about services your child has received or is receiving from me



g) I liaise with debt collection agencies

h) I liaise with Government agencies, including the Ministry of Defence, the Home Office and HMRC

i) I liaise with Embassies who have asked me to participate in your child's care

How will I communicate with you?

19. I may communicate with you in a range of ways, including by telephone, SMS, email, and / or post. If I 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, I 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 me back.

20. However:

a) to ensure that I provide you with timely updates and reminders in relation to your child's healthcare (limited to appointment confirmation and appointment reminders), I 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, I may communicate with you by email (which will be encrypted) where you have provided me with your email address; acceptance of a clinic appointment will be viewed as consent for us to send clinical information via email, post or other electronic communication..

21. 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, I am not relying on your consent to process your child's personal data in order to correspond with you about your treatment. As set out further below, processing you/your child's personal data for those purposes is justified on the basis that it is necessary to provide you with healthcare services.

What are the purposes for which your information is used?

I may 'process' you/your child's information for a number of different purposes. Each time I use you/your child's data I 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", I must have a specific additional legal justification in order to use it as proposed.

22. Generally I will rely on the following legal justifications, or 'grounds':

a) Taking steps at your request so that you can enter into a contract with me for your child to receive healthcare services.

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

c) I have an appropriate business need to process you/your child's personal information and such business need does not cause harm to you/your child. I will rely on this for activities such as quality assurance, maintaining my business records, monitoring outcomes and responding to any complaints.

d) I have a legal or regulatory obligation to use such personal information.

e) I need to use such personal information to establish, exercise or defend my legal rights.

f) You have provided your consent to my use of you/your child's personal information.

23. Note that failure to provide you/your child's information further to a contractual requirement with me may mean that I am unable to set your child up as a patient or facilitate the provision of your child's healthcare.



24. I provide further detail on these grounds in the sections below.

Appropriate business needs

25. One legal ground for processing personal data is where I do so in pursuit of legitimate interests and those interests are not overridden by your/your child's privacy rights. Where I refer to use for my appropriate business needs, I am relying on this legal ground.

The right to object to other uses of your personal data

26. You have a range of rights in respect of your/your child's personal data, as set out in detail in sections 57-71. This includes the right to object to me using your child's personal information in a particular way (such as sharing that information with third parties), and I 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 me, or it is otherwise necessary for the purposes of your ongoing treatment.

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

Purpose 1: To provide your child with healthcare and related services

27. Clearly, the reason you come to me is to provide your child with healthcare, and so I have to use your/your child's personal information for that purpose.

28. Legal grounds:

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

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

- a) I need to use the data in order to provide healthcare services to your child

Purpose 2: For account settlement purposes

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

31. Legal grounds:

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

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

- a) I need to use the data in order to provide healthcare services to your child
- b) The use is necessary in order for me to establish, exercise or defend my legal rights



c) Your consent

Purpose 3: For medical audit purposes

Clinical audit

33. I may process your child's personal data for the purposes of local clinical audit – i.e. an audit carried out by myself or my direct team for the purposes of assessing outcomes for patients and identifying improvements which could be made for the future. I am 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 my using your child's personal data for this purpose, and as a result of which I would need to stop doing so. If you would like to raise such an objection then please contact me using the details provided in paragraph 3 above.

34. I 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. I 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 I will seek this from you or the registry themselves will do so.

Additional legal grounds for special categories of personal information:

a) The processing is necessary in the public interest for statistical and scientific research purposes

Purpose 4: Communicating with you and resolving any queries or complaints that you might have.

35. From time to time, patients may raise queries, or even complaints, with me and

36. Legal grounds:

a) Providing your child with healthcare and other related services

b) Having an appropriate business need to use your child's information which does not overly prejudice you

37. 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 me to establish, exercise or defend my legal rights

Purpose 5: Communicating with any other individual that you ask us to update about your care and updating other healthcare professionals about your care.

38. 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 I may need to share your/your child's personal information with them. Further details on the third parties who may need access to your information is set out at section 49 below.

39. Legal grounds:

a) Providing your child with healthcare and other related services

b) I have a legitimate interest in ensuring that other healthcare professionals who are routinely involved in your child's care have a full picture of your child's treatment

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

a) I need to use the data in order to provide healthcare services to your child



- b) The use is necessary for reasons of substantial public interest under UK law
- c) The use is necessary in order for me to establish, exercise or defend my legal rights

41. I 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, I am 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. I will only share this information with PHIN if you have provided your consent for me to do so.

42. The records that I share may contain personal and medical information about patients, including your child. PHIN, like me, 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 6: Complying with our legal or regulatory obligations, and defending or exercising our legal rights

43. As a provider of healthcare, I am subject to a wide range of legal and regulatory responsibilities which it is not possible to list fully here. I may be required by law or by regulators to provide personal information, and in which case I 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/your child's personal information (although only to the extent that it is necessary and relevant to the subject-matter).

44. Legal grounds:

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

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

- a) I need to use the data in order for others to provide informed healthcare services to your child
- 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

46. I am also required by law to conduct audits of health records, including medical information, for quality assurance purposes. Your/your child's 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 7: Managing my business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (e.g. tax or legal advice)

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

48. Legal grounds:

- a) My having an appropriate business need to use your/your child's information which does not overly prejudice you

Disclosures to third parties:



49. I 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 child's treatment
- b) Other members of support staff involved in the delivery of your child's care, like receptionists and porters
- c) NHS organisations, including NHS Resolution, NHS England, Department of Health
- d) Other private sector healthcare providers
- e) Your child's GP
- f) Your child's dentist
- g) Other clinicians (including their medical secretaries)
- h) Third parties who assist in the administration of your child's healthcare, such as insurance companies
- i) Private Healthcare Information Network (PHIN)
- j) National and other professional research/audit programmes and registries, as detailed under purpose 4 above
- k) Government bodies, including the Ministry of Defence, the Home Office and HMRC
- l) Our regulators, like the Care Quality Commission, Health Inspectorate Wales and Healthcare Improvement Scotland
- m) The police and other third parties where reasonably necessary for the prevention or detection of crime
- n) Our insurers
- o) Debt collection agencies
- p) Our third party services providers such as IT suppliers, actuaries, auditors, lawyers, marketing agencies, document management providers and tax advisers
- q) Selected third parties in connection with any sale, transfer or disposal of our business

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

How long do I keep personal information for?

51. I will only keep your/your child's personal information for as long as is necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with my legal and regulatory obligations. Current government recommendation for retention of Paediatric notes is until a person reaches the age of 25, or the age of 26 if they were last seen in this clinic at 17 years of age.

52. If you would like further information regarding the periods for which your personal information will be stored, please contact me using the details outlined in section 3.

International data transfers

53. I (or third parties acting on my behalf) may store or process information that we collect about you/your child in countries outside the European Economic Area ("EEA"). Where I make a transfer of your personal information outside of the EEA I will take the required steps to ensure that your personal information is protected.



a) To the extent that it is necessary to do so, I may transfer your personal data outside of the EEA to forward invoices to your insurance company if this is a non-EU company

b) If you have requested your records are sent to a healthcare provider outside of the EU

54. I will only do so to the extent that it is relevant and necessary. Under certain circumstances, I may request your consent for such a transfer.

55. If you would like further information regarding the steps I take to safeguard your personal information, please contact me using the details provided in section 3 above.

56. Please note that we have listed above the current common transfers of personal data outside of the EEA but it may be necessary, in future, to transfer such data for other purposes. In the event that it is necessary to do so, we will update this Privacy Notice.

Your rights

57. Under data protection law you have certain rights in relation to the personal information that I hold about you/your child. These include rights to know what information I hold about you/your child and how it is used. You may exercise these rights at any time by contacting me using the details provided at section 3 above.

58. There will not be a charge for handling a request to exercise your rights.

59. If I cannot comply with your request to exercise your rights we will usually tell you why.

60. 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.

61. 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, I can charge for responding.

Your rights include:

The right to access your/your child's personal information

62. You are usually entitled to a copy of the personal information I hold about you/your child and details about how I use it.

63. 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.

64. Please note that in some cases I 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.

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

1. Under Article 15(1) of the GDPR I must usually confirm whether I have personal information about you/your child. If I do hold personal information about you/your child I usually need to explain to you:

i. The purposes for which I use you/your child's personal information

ii. The types of personal information I hold about you/your child

iii. Who you/your child's personal information has been or will be shared with, including in particular organisations based outside the EEA.

iv. If you/your child's personal information leaves the EU, how I will make sure that it is protected



v. Where possible, the length of time I expect to hold you/your personal information. If that is not possible, the criteria I use to determine how long I hold you/your child's information for

vi. If the personal data I hold about you/your child was not provided by you, details of the source of the information

vii. Whether I make any decisions about you/your child solely by computer and if so details of how those decision are made and the impact they may have on you/your child

viii. Your right to ask me to amend or delete your/your child's personal information

ix. Your right to ask me to restrict how your/your child's personal information is used or to object to my use of your personal information

x. Your right to complain to the Information Commissioner's Office

2. I also need to provide you with a copy of your personal data, provided specific exceptions and exemptions do not apply.

3. I also need to provide you with a copy of your personal data, provided specific exceptions and exemptions do not apply.

The right to rectification

66. I take reasonable steps to ensure that the information I hold about you/your child is accurate and complete. However, if you do not believe this is the case, you can ask me to update or amend it.

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

67. I 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.childchestclinic.com. In the event that there are any material changes to the manner in which your personal information is to be used then I will provide you with an updated copy of this Privacy Notice.

68. In some circumstances, you have the right to request that I delete the personal information I hold about you/your child. However, there are exceptions to this right and in certain circumstances I can refuse to delete the information in question. In particular, for example, I do not have to comply with your request if it is necessary to keep your/your child's 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

69. In some circumstances, I must "pause" our use of your/your child's personal data if you ask me to do so, although I do not have to comply with all requests to restrict my use of your personal information. In particular, for example, I do not have to comply with your request if it is necessary to keep your/your child's 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

70. In some circumstances, I must transfer personal information that you have provided to you 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

71. In some cases I may need your consent in order for my use of your/your child's 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 me using the details provided at section 3 above.



The right to complain to the Information Commissioner's Office

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

73. More information can be found on the Information Commissioner's Office website: ico.org.uk

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

National Data Opt-Out Programme

75. 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 me aware directly of any uses of your data to which you object.

Updates to this Privacy Notice

76. I 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 I process your personal data then I will provide you with an updated copy of the Policy.

