

Privacy Notice

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What is a Privacy Notice?

The EU General Data Protection Regulation (GDPR) requires that data controllers provide certain information to people whose information (personal data) they hold and use. A privacy notice is one way of providing this information. This is sometimes referred to as a fair processing notice.

A privacy notice should identify who the data controller is, with contact details for its Data Protection Officer. It should also explain the purposes for which personal data are collected and used, how the data are used and disclosed, how long it is kept, and the controller's legal basis for processing.

NHS England and NHS Improvement are cooperating to establish a joint enterprise. We may collect and use personal data for the functions that we exercise jointly. Our [joint privacy notice](#) explains how we do this.

As the two organisations still have distinctive statutory responsibilities and accountabilities, NHS England and NHS Improvement will continue to publish separate privacy notices explaining how we use personal data for our respective purposes.

NHS England's privacy notice is set out in the following pages.

NHS England as a Data Controller

NHS England is a data controller under the EU General Data Protection Regulation and the Data Protection Act 2018. Our legal name is the NHS Commissioning Board. Our head office address is:

NHS England London
Skipton House
80 London Road
London
SE1 6LH

NHS England and NHS Improvement are cooperating to establish a joint enterprise and may collect and use personal data for the functions that we exercise jointly. Our [joint privacy notice](#) explains how we do this.

How to contact us

Please contact us if you have any questions about our privacy notice or information we hold about you:

Customer Contact Centre

Telephone: 0300 311 22 33

Email: england.contactus@nhs.net

Post: NHS England, PO Box 16738, Redditch, B97 9PT

Our opening hours are: 8am to 6pm Monday to Friday, except Wednesdays when we open at the later time of 9.30am.

Contact details of our Data Protection Officer

NHS England and NHS Improvement have appointed a joint Data Protection Officer. If you have any queries about this privacy notice or about how NHS England or NHS Improvement process personal data please contact our data protection officer at the address below.

Carol Mitchell

Head of Corporate Information Governance and Data Protection Officer

Transformation & Corporate Development Directorate

NHS England

Quarry House

Quarry Hill

Leeds

LS2 7UE

E-mail: england.dpo@nhs.net

The role of the Data Protection Officer

As public authorities, NHS England and NHS Improvement are required to appoint a data protection officer (DPO). This is an essential role in facilitating 'accountability', and the organisations' ability to demonstrate compliance with the GDPR. The essential qualities of the role are to provide support, advice and assurance of all our activities that involve processing personal data. She reports on compliance to our senior management teams, and is empowered to raise data protection matters with our Boards if necessary.

Carol has expert knowledge of data protection law and practices, and a detailed understanding of how NHS England and NHS Improvement processes personal data. As Head of Corporate Information Governance, she oversees a dedicated DPO team, and information governance staff whose job it is to support NHS England and NHS Improvement centrally and across our regions.

NHS England and NHS Improvement have a comprehensive suite of policies and procedures that addresses all aspects of information governance and data protection. These govern how we ensure that the personal data we are responsible is processed and shared lawfully, and that peoples' data protection rights are respected.

NHS England's legal basis for processing personal data

NHS England is a public body established by the NHS Act 2006 as amended by the Health and Social Care Act 2012. As such our business is based upon statutory powers which underpin the legal bases that apply for the purposes of the GDPR. The legal bases for the majority of our processing is:

Article 6(1)(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.

For entering into and managing contracts with the individuals concerned, for example our employees the legal basis is:

Article 6(1)(b) – processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

Where we have a specific legal obligation that requires the processing of personal data, the legal basis is:

Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.

Where we process special categories data, for example data concerning including health, racial or ethnic origin, or sexual orientation, we need to meet an additional condition in the GDPR. Where we are processing special categories personal data for purposes related to the commissioning and provision of health services the condition is:

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Article 9(2)(h) – processing is necessary for the purposes of preventive 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...

Where we process special categories data for employment or safeguarding purposes the condition is:

Article 9(2)(b) – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...

NHS England may also process personal data for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or for the purpose of establishing, exercising or defending legal rights. Where we process personal data for these purposes, the legal basis for doing so is:

Article 6(1)(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;
or

Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject; or

Article 6(1)(f) – processing is necessary for the purposes of legitimate interests pursued by the controller.

Where we process special categories of personal data for these purposes, the legal basis for doing so is:

Article 9(2)(f) – processing is necessary for the establishment, exercise or defence of legal claims; or

Article 9(2)(g) – processing is necessary for reasons of substantial public interest.

In [How we use your information](#) we set out most of the key ways in which we may process your personal data for the purposes of, or in connection with our statutory functions. If you want to know more about how we process your data please contact our [Customer Contact Centre](#).

How long do we keep information about you?

You can obtain a copy of our Corporate Records Retention and Disposal Schedule, and Primary Care Services Retention Schedule from our [Privacy Notice](#) web site, or by contacting our [Customer Contact Centre](#). We also comply with the Records

Management Code of Practice for Health and Social Care published by the [Information Governance Alliance](#).

Your rights

The GDPR includes a number of rights that are more extensive than those in the Data Protection Act 1998. We must generally respond to requests in relation to your rights within one month, although there are some exceptions to this.

The availability of some of these rights depends on the legal basis that applies in relation to the processing of your personal data, and there are some other circumstances in which we may not uphold a request to exercise a right. Your rights and how they apply are described below.

Right to be informed

Your right to be informed is met by the provision of this privacy notice, and similar information when we communicate with you directly – at the point of contact.

Right of access

You have the right to obtain a copy of personal data that we hold about you and other information specified in the GDPR, although there are exceptions to what we are obliged to disclose.

A situation in which we may not provide all the information is where in the opinion of an appropriate health professional disclosure would be likely to cause serious harm to your, or somebody else's physical or mental health.

Right to rectification

You have the right to ask us to rectify any inaccurate data that we hold about you.

Right to erasure ('right to be forgotten')

You have the right to request that we erase personal data about you that we hold. This is not an absolute right, and depending on the legal basis that applies, we may have overriding legitimate grounds to continue to process the data.

Right to restriction of processing

You have the right to request that we restrict processing of personal data about you that we hold. You can ask us to do this for example where you contest the accuracy of the data.

Right to data portability

This right is only available where the legal basis for processing under the GDPR is consent, or for the purposes of a contract between you and NHS England. For this to apply the data must be held in electronic form. The right is to be provided with the data in a commonly used electronic format.

Right to object

You have the right to object to processing of personal data about you on grounds relating to your particular situation. The right is not absolute and we may continue to use the data if we can demonstrate compelling legitimate grounds.

Rights in relation to automated individual decision-making including profiling

You have the right to object to being subject to a decision based solely on automated processing, including profiling. Should we perform any automated decision-making, we will record this in our privacy notice, and ensure that you have an opportunity to request that the decision involves personal consideration.

Right to complain to the Information Commissioner

You have the right to complain to the Information Commissioner if you are not happy with any aspect of NHS England's processing of personal data or believe that we are not meeting our responsibilities as a data controller. The contact details for the Information Commissioner are:

Information Commissioner's Office
Wycliffe House
Water Lane,
Wilmslow SK9 5AF
ico.org.uk

How to access your personal information or make a request in relation to other rights

Requests may be made in writing, by email or by speaking to us – see [How to contact](#) us above. All requests will be recorded, and you may need to provide information to verify your identity and enable us to locate the information. Please provide:

- Full name, address, date of birth, NHS number (requests for health records only)
- An indication of what information you are requesting to enable us to locate this in an efficient manner.

Examples of acceptable identity evidence are listed below. We require, where applicable, two items from List A and one from List B

List A: ID documents, examples are -

- Birth certificate
- Passport

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- Driving license
- Staff ID badge (for NHS England employees only)

List B: Proof of Address, examples are -

- Bank statement
- Utility bill
- Tax certificate

NHS England is only the data controller for GP health records where an individual is currently not registered with a GP or is deceased. These records are held by Primary Care Support England (PCSE) on behalf of NHS England. For access to GP health records in these circumstances please visit the [PCSE website](#).

How we use your information

Our Services

How we use personal data to commission health services and for our functions in connection with the provision of NHS services.

Patients registered with GP Practices

Purposes for processing

NHS England has a legal duty to keep a list of all patients registered with GP Practices in England. This list is held in the National Health Application and Infrastructure Services (NHAIS) systems. These systems also hold data about patients registered with GPs in Wales and the Isle of Man. NHS Digital, and other service agencies around the country manage these systems on behalf of NHS England.

The data are used to provide Primary Care Support Services. NHS England has a contract with Capita Business Services Ltd, operating as [Primary Care Support England](#) to provide these services which include:

- Moving paper patient records between practices and into storage when patients leave or move practices
- Storing paper records of unregistered and deceased patients
- Sending letters to patient to inform them of their NHS number when one is first allocated
- Providing the cervical cytology call and recall administrative service on behalf of Public Health England
- delivering prior notification lists of patients eligible for screening to GPs
- processing new patient registrations and de-registrations at GP practices to maintain accurate lists of numbers of patients at GP Practices–
- Making payments to NHS Ophthalmic practitioners for NHS services provided
- Making payments to GP practices based on lists of registered patients, and specific payments for childhood vaccinations and immunisations
- Writing to patients on behalf of Primary Care commissioners with regards to provision of primary care services or assignment to a GP Practice list.
- Writing to patients when they have been removed from their GP Practice list
- Conducting audits and reconciliations of GP Practice lists to ensure list sizes are accurate.

The data from the NHAIS list is used to update the [Personal Demographics Service \(PDS\)](#). This provides information for hospitals, Public Health England Cancer Screening Programmes, Child Health systems and other health providers making

sure that they know their patients' current GP Practice and can access other essential information such as the [Summary Care Record](#).

NHS England Regional Local Teams (RLTs) and Clinical Commissioning Groups (CCGs) (where delegated) may also undertake necessary processing of a limited subset of these data (e.g. patient name, address, postcode and NHS number) for example when managing practice closures and list dispersals (the process used to allocate patients to neighbouring GP Practices). This processing is necessary to inform patients of their reregistration options and 'Choice' as required under the NHS Constitution.

Sources of the data

The data are transferred automatically from GP practice systems in to the NHAIS systems. The data is also updated by Primary Care Support England after notifications from data subjects themselves.

Categories of personal data

The categories of personal data held on the systems are:

- Name – including any previous names, unless name changes are the result of adoption, gender reassignment or witness protection schemes
- Current and historic addresses and whether the address is a registered nursing home
- Dates of Birth
- Gender
- Place of Birth
- NHS number
- Cervical Screening history
- Special allocation scheme status
- Current and Previous GP practice details
- GPs Banking details

Categories of recipients

Statistical information (numbers) produced from NHAIS systems is shared with other organisations to enable them to fulfil their statutory obligations, for example the Office of National Statistics, Public Health England and local authorities for their public health purposes. Personal data may also be shared with the approval of NHS England's Caldicott Guardian when he is assured that confidentiality is respected, for example when hospitals need to update their records for direct care purposes or to support specific research projects with ethical and or Health Research Authority approval.

Legal basis for processing

For GDPR purposes NHS England's basis for lawful processing is Article 6(1)(e) – '...exercise of official authority...'. For special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'

Primary Care Commissioning

Purposes for processing

NHS England is responsible for commissioning high quality [primary care services](#) for the population of England. NHS England's commissioning policy is to move towards more place based, clinically led commissioning and is sharing or delegating commissioning of primary medical care services to Clinical Commissioning Groups (CCGs). NHS England retains responsibility for payment of GPs, Dentists and Opticians. NHS England and delegated CCGS also have responsibility for the assignment of unregistered patients to GP practices, and for the management of list transfers when practices close.

General Practice

GP Payments

NHS England is responsible for paying GP Practices for their services. GP practices are paid on the basis of the number of patients on their list. This is obtained from the [registered patient list](#) held by NHS Digital on behalf of NHS England. In addition to this GPs are paid for their performance under the [Quality and Outcomes Framework](#) (QOF). NHS Digital collects information under directions from NHS England about General Practice (GP) achievement under QOF. This information is used to calculate GP payments for the current financial year, and to set aspiration payments for the following year. NHS Digital run other QOF reporting collections throughout the year, not related to payment. The QOF data is extracted by NHS Digital from GP Practice systems. The data extracted is in the form of numbers for the QOF indicators and does not include personal data.

Disclosures of personal data to NHS England

NHS England may require access to personal data held by GP practices in circumstances described in the *Confidentiality and Disclosure of Information: GMS, PMS and APMS Code of Practice*. This is established under [directions from the Secretary of State for Health](#). These circumstances are:

- Where NHS England is investigating and assuring the quality and provision of clinical care, for example in relation to a complaint.
- Where it is needed in relation to the management of the contract, for example where remedial action, or termination of the contract/agreement is being considered (e.g. because of poor record keeping)
- Where NHS England considers there is a serious risk to patient health or safety
- Investigation of potential fraud or any other potential criminal activity

Patient assignments and list transfers

The process from managing patient assignments is described in the [Primary Medical Care Policy and Guidance Manual](#). NHS England or a CCG will receive the names, addresses and other personal details (not health information) of unregistered patients who have requested registration at a GP Practice. NHS England or a delegated CCG

will receive the personal details of patients registered at a GP practice that has closed or is due to close in order to offer alternative registration.

Unregistered patients

NHS England is responsible for the manual records of patients who are not currently registered with a GP Practice, and the deceased. These records are held by [Primary Care Support England](#) on our behalf.

GP contracts

GP contracts are held in NHS England's local offices. The contract includes the name of the contract holder(s).

Community Pharmacy

NHS England is responsible for putting arrangements in place so that drugs and appliances ordered on NHS prescriptions can be supplied to patients. These are known as 'Pharmaceutical Services' and are provided by pharmacy contractors (such as retail pharmacy outlets), dispensing appliance contractors, and dispensing doctors (collectively referred to as 'contractors' in this section of this privacy notice).

Pharmaceutical lists

In order to provide Pharmaceutical Services, pharmacy and dispensing appliance contractors must first be included in a list for their local area, called a pharmaceutical list, which is managed by NHS England. The management of pharmaceutical lists by NHS England is laid down in the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

NHS England will receive personal data and process it as is necessary for the purposes of managing pharmaceutical lists in accordance with the Regulations. In particular, such personal data may:

- include details about contractors (including directors of a company or partners of a partnership), contractors' staff, referees, applicants wishing to join the pharmaceutical list, and third parties making submissions on an application;
- be obtained from the individual to whom it relates (for example, an individual pharmacist applying to join a pharmaceutical list) or from a third party (for example, a company wishing to be included in a pharmaceutical list which provides details about its directors and superintendent pharmacist);
- be shared with third parties where appropriate (e.g. notification of decisions as required by the Regulations).

Certain individuals involved in providing Community Pharmacy services must submit information about their fitness to practise to NHS England, which may include special categories of personal data and data relating to criminal convictions and offences. This information may also be obtained from or shared with other organisations, such as the General Pharmaceutical Council (GPhC), in accordance with the Regulations. NHS England will use this information to consider whether a person is fit to practise and take action where there are concerns.

NHS England has a contract with [Primary Care Support England](#) (PCSE) to administer applications in relation to the pharmaceutical lists on behalf of NHS England.

Dispensing doctors

Dispensing doctors (GPs who may dispense drugs and appliances directly to patients where certain conditions are met) are included in a separate list managed by NHS England.

Patients may make an application to NHS England to request that their GP provide them with dispensing services. These applications contain the personal data of patients and may also include special categories of personal data. NHS England may obtain and process such personal data for the purposes of determining the application.

Local Pharmaceutical Services

Some contractors are locally commissioned to provide Local Pharmaceutical Services (LPS) and are included in separate lists managed by NHS England. NHS England may obtain and process personal data for the purposes of managing LPS contractors in a similar manner to that outlined above.

Payment for Community Pharmacy services

Contractors are paid for the number of prescriptions that they dispense. Each month they send their prescriptions to the NHS Business Services Authority (NHS BSA) who acts on behalf of the Department of Health and Social Care. These are sent either electronically or by courier for paper documents. A small number of prescriptions are shared with NHS England and other relevant organisations where this is necessary for the purposes of investigating possible prescription errors or fraud. These prescriptions contain the personal data of patients, including special categories of personal data.

Medicines Usage Reviews

This is a service usually provided in a pharmacy to help a patient use their medication more effectively. However, in some cases a pharmacy will need to seek permission from NHS England to provide this service by telephone or in a patient's own home. This will require the pharmacy to share the patient's name and address with NHS England.

Dentists

Payment of dentists

Dentists are paid by the NHS Business Services Authority (NHS BSA) acting for the Department of Health and Social Care. NHS England receives service activity figures, which do not include personal data, from NHS BSA for reconciliation and adjustment for under-payments.

Appeals

A patient may appeal to NHS England about any aspect of their dental care. For example, if a patient is assessed that he or she doesn't meet criteria for a NHS

funded specialist service. The appeal information includes personal details and specific details of clinical condition.

Contracts

Commissioning contracts for dentists are held in NHS England's local offices, and these may identify the individual responsible for delivery.

Opticians

Payment to opticians.

Opticians send payment forms to [Primary Care Support England](#). These include patient name, address, date of birth, whether an eye test was done, and the voucher issued. PCSE produces a statement for each optician which is sent to NHS England for payment. These statements do not contain personal data relating to patients.

Annual checklist

NHS England's local offices employ optometry advisors checking compliance of premises to delivery optical services. Compliance reports include the name of the practice owner.

Ophthalmic Post Payment Verification Process

Primary Care Support England provide NHS England with a report including name, date of birth and address of patients who have had a test, which is sent to the NHS England local office. The purpose of this is to identify ophthalmic contractor outliers and possible inappropriate claims for payment. Some payment forms and other data about the ophthalmic services you have received may be shared with NHS England and the NHS Business Services Authority where there is a need to investigate possible errors on the forms, payment errors or fraud.

Contracts

NHS England local offices hold contracts with opticians and information about applicants from new opticians. Application documents include correspondence, references, CVs, disclosure and barring checks and financial information.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Specialised Commissioning

Purposes for processing

Specialised services are accessed by comparatively small numbers of patients but with catchment populations of usually more than one million. They are provided in relatively few hospitals. These services tend to be located in specialised hospital trusts that can recruit a team of staff with the appropriate expertise and enable them to develop their skills.

The specialised services that we commission include Internal Medicine, Cancer, Mental Health, Trauma, Head and Spine, Women and Children, Blood and Infection, the Cancer Drugs Fund, high cost drugs and devices and Highly Specialised Services.

NHS England employs mental health case managers who are responsible for tailoring services to the individual requirements of mental health patients / clients. They work with professionals in provider organisations, sharing information to ensure that patients receive the best possible care in the most appropriate setting for their needs.

Sources of the data

The information may be collected from any organisation that provides specialised services to the NHS, including NHS Trusts and NHS Foundation Trusts, independent sector providers and charities.

Categories of personal data and recipients

NHS England uses data that has been anonymised in accordance with the Information Commissioner's Anonymisation code of practice, and summary data (numbers) for monitoring and payment for specialised services. This data is provided to us by NHS Digital who collects and analyses personal data submitted by providers on our behalf – see [Data services for commissioners](#). The data processed by NHS Digital includes personal details such as NHS number, date of birth, postcode, and details of the diagnosis and treatment received.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For processing special categories (health) data the basis is Article 9(2)(h) '...health or social care...'.

Armed Forces and Families Health Care

Purposes for processing

The Armed forces Covenant is a promise by the Nation that those who serve or have served and their families are treated fairly. The Armed Forces Covenant is a part of the NHS Constitution. In relation to healthcare the Covenant states that the Armed Forces Community should enjoy the same standard of, and access to, healthcare as that received by any other UK citizen in the area they live and that Veterans should receive priority treatment where it relates to a condition that results from their service in the Armed Forces, subject to clinical need.

NHS England commissions secondary care for serving personnel and Armed Forces families registered with MoD GP practices. It is also responsible for commissioning a range of services for veterans, such as those for limb loss and mental health.

Sources of the data

The information may be collected from any organisation that provides secondary health services to the NHS and the Armed Forces for serving personnel or their families, including NHS Trusts and NHS Foundation Trusts, Independent Healthcare providers, NHS and Defence GP Practices and other primary care providers and

local authorities. Data may also be submitted by patients themselves and by other agencies to support the commissioning and ensure the delivery of packages of care.

Categories of personal data and recipients

NHS England uses data that has been anonymised in accordance with the Information Commissioner's Anonymisation code of practice, and summary data (numbers) for monitoring and payment for specialised services. This data is provided to us by NHS Digital who collects and analyses personal data submitted by providers on our behalf – see [Data services for commissioners](#). The data processed by NHS Digital includes personal details such as NHS number, date of birth, postcode, and details of the diagnosis and treatment received.

Personal data may be submitted by patients themselves and by other agencies in relation to the commissioning individual packages of care.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Health and Justice

Purposes for processing

NHS England is responsible for the routine commissioning of Health & Justice services. The current estate constitutes:

The Children and Young People's Secure Estate including

- Young Offender Institutions,
- Secure Training Centres,
- Secure Children's Homes
- Prisons (including Youth Offender Institutions)
- Immigration Removal Centres (IRCs)
- Public Health services for persons in detained and secure settings across England

Sources of the data

The information may be collected from any organisation that provides health services to the NHS, including Prison Health care providers, NHS Trusts, NHS Foundation Trusts, and other health and justice care providers. Data may also be submitted by patients themselves and by other agencies to support the commissioning and ensure the delivery of packages of care.

Categories of personal data and recipients

NHS England uses data that has been anonymised in accordance with the Information Commissioner's Anonymisation code of practice, and summary data (numbers) for monitoring and payment for these services. This data is provided to us

by NHS Digital who collects and analyses personal data submitted by providers on our behalf – see [Data services for commissioners](#). The data processed by NHS Digital includes personal details such as NHS number, date of birth, postcode, and details of the diagnosis and treatment received.

Personal data may be submitted by patients themselves and by other agencies in relation to the commissioning individual packages of care.

We also hold health care records in from prisons and other institutions within the secure estate. These records relate to prisons which have closed, or prisoners who have been released. The records document the care and treatment a prisoner has received. The records are held as they may become important, if there is a complaint or claim, which may typically be made months or years after the care received.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For processing special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

NHS England is a joint data controller for records held on the system that we provide for prisons.

Public Health

NHS England works closely with Public Health England and the Department of Health to provide and commission a range of public health services. The NHS has a critical part to play in securing good population health. The [public health functions agreement \(Section 7A\)](#) is an annual agreement between the Secretary of State for Health and NHS England. The Agreements are underpinned by a set of service specifications, and national standards to support commissioning and contracting.

Immunisation

Purposes for processing and categories of personal data

As part of its [Public Health](#) commissioning functions, NHS England is responsible for commissioning a wide range of immunisation programmes throughout England – under the public health functions agreement. Information about the immunisation programmes that NHS England is responsible for commissioning can be found [here](#).

By implementing the activities set out in the public health functions agreement, NHS England contributes significantly to the wider prevention agenda and implementation of the [Five Year Forward View \(FYFV\)](#).

The purposes for processing the above categories of personal data are:

- To undertake serious clinical incident reviews
- The investigation of complaints and concerns
- Control outbreak management

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- For purposes of patient and public involvement, including the reimbursement of expenses
- Enquiries in relation to access to neo-natal BCG immunisations
- Enquiries in relation to access to neo-natal Hepatitis B immunisations

NHS England processes the following categories of personal data in relation to its immunisation programmes:

- Name and contact details
- Healthcare data
- Personal financial information relating to expense claims

Sources of the data

- Members of the public
- Providers of immunisation services and clinicians
- NHS improvement (via the [Serious Incident Framework](#))
- Public Health England (for purposes of control outbreak management)

Categories of recipients

- Financial institutions (for the processing of expense payments)
- Providers of immunisation services and clinicians

Screening

Purposes for processing and categories of personal data

As part of its [Public Health](#) commissioning functions, NHS England is responsible for commissioning national cancer and non-cancer screening programmes throughout England. NHS England is given responsibility for this function via an annual agreement between the Secretary of State for Health and NHS England known as the [public health functions agreement \(S7A\)](#). The screening programmes that NHS England is responsible for commissioning can be found [here](#).

NHS England process the following categories of personal data in relation to its screening programmes:

- Name and contact details
- Healthcare data
- Personal financial information relating to expense claims

The purposes for processing the above categories of personal data are:

- To undertake serious clinical incident reviews
- The investigation of complaints and concerns
- For purposes of patient and public involvement, including the reimbursement of expenses.

Sources of the data

- Members of the public
- Providers of screening services and clinicians
- NHS improvement (via the [Serious Incident Framework](#))

Categories of recipients

- Members of the public
- Financial institutions (for the processing of expense payments)
- Providers of screening services and clinicians.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'; and for the reimbursement of expense claims for public patient involvement purposes, Article 6(1)(b) – '...for the performance of a contract to which the data subject is party...'.

For the processing of special categories (health) data the basis is 9(2)(h) – '...health or social care...'.

Secondary Care Dental

Purposes for processing

As part of its direct commissioning responsibilities, NHS England commissions all NHS dental services: [primary](#), community and secondary care services, including dental hospitals and urgent dental care services.

The majority of specialist dental services are delivered in secondary care settings, in acute hospitals, foundation trusts, district general hospitals and (ten) dental hospitals funded by national and local tariff arrangements. Specialist dental services are listed below*, however some of these are recognised as multi-disciplinary care (dental and medical specialties). The definitions listed are in line with the General Dental Council:

- Special care dentistry;
- Oral surgery;
- Orthodontics;
- Paediatric dentistry;
- Restorative (endodontics, periodontics, prosthodontics, implant dentistry);
- Oral medicine;
- Oral microbiology;
- Oral and maxillofacial pathology;
- Dental and maxillofacial radiology;
- Oral and maxillofacial surgery.

* Not all services are provided at every secondary or tertiary provider.

Sources of the data

The information may be collected from any organisation that provides health services to the NHS, including NHS Trusts, NHS Foundation Trusts, Dental Practices and other dental care providers.

Categories of personal data and recipients

NHS England uses data that has been anonymised in accordance with the Information Commissioner's Anonymisation code of practice, and summary data (numbers) for monitoring and payment for these services. This data is provided to us by NHS Digital who collects and analyses personal data submitted by providers on our behalf – see [Data services for commissioners](#). The data processed by NHS Digital includes personal details such as NHS number, date of birth, postcode, and details of the diagnosis and treatment received.

Legal Basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories (health) data the basis is 9(2)(h) '...health or social care...'.

Continuing Health Care – independent review panels

Purposes for processing

[NHS Continuing Healthcare](#) is a package of care for adults aged 18 or over which is arranged and funded solely by the NHS. It is available to individuals outside of hospital who have on-going health needs. This package is often delivered in an individual's own home or a care home. In order to receive NHS CHC funding individuals have to be assessed by Clinical Commissioning Groups (CCGs) according to a legally prescribed decision making process to determine whether the individual has a 'primary health need'. NHS England is required to establish arrangements for the independent review of CCGs decisions on eligibility for NHS Continuing Healthcare funding.

An individual receiving care or their representative may apply for a review of a CCGs decision to decline funding by an NHS England [Independent Review Panel](#). The independent review process is co-ordinated by the NHS Continuing Healthcare teams in each of the four regions of NHS England.

Sources of the data

The personal data are submitted by the CCG and the applicant for review.

Categories of personal data

The information CCGs use to assess eligibility, and which may be submitted to an Independent Review Panel, fall under the following headings:

- behaviour

- cognition (understanding)
- communication
- psychological/emotional needs
- mobility
- nutrition (food and drink)
- continence
- skin (including wounds and ulcers)
- breathing
- symptom control through drug therapies and medication
- altered states of consciousness
- other significant needs

The obtained records that relate to these areas may include Care Home records, Health Records (for example GP, Hospital, Mental Health, District Nursing) and Social Care Records.

Categories of recipients

Personal data relating to the application is received by NHS England Continuing Healthcare teams and the members of the review panel. An Independent Review Panel is made up of:

- an independent chair
- a representative nominated by a Clinical Commissioning Group (not involved in the case);
- a representative nominated by a Local Authority (not involved in the case); and
- at times there is also a clinical advisor in attendance.

Legal Basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Individual Requests for funding

Purposes for processing

On an individual basis, there may be situations where a clinician believes that their patient's clinical situation is so different to other patients with the same condition that they should have their treatment paid for when other patients would not. In such cases, NHS clinicians can ask NHS England, on behalf of a patient, to fund a treatment which would not usually be provided by NHS England for that patient. This request is called an Individual Funding Request (IFR). A guide for patients can be found [here](#).

Sources of the data

The information may be provided by a clinician who submits an IFR application form on behalf of a patient.

Categories of personal data

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.

Categories of recipients

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.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Payment for living kidney donation

Purposes for processing

NHS England reimburses people who donate organs (living donors) in order to ensure that the financial impact on the living donor is cost neutral. The principle of reimbursement is founded on the premise that there should be no financial incentive or disincentive in becoming a living donor. Living donors would usually submit a claim for financial reimbursement to NHS England in accordance with the NHS England published policy. The data submitted and processed allows for consideration of any claims and payment of expenses.

Categories of personal data

We collect this data from living donors to allow such reimbursement to take place. Data will include name, NHS Number and other personal details, and information about their stay in hospital. Data may also include details of employment and income if claiming for lost income, including a letter from an employer, details of any other benefits you may be entitled to e.g. statutory sick pay.

Sources of the data

Hospital Trusts; living donor co-ordinators; social workers; donor patients.

Categories of recipients

NHS England commissioning staff.

Legal Basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories data the basis is Article 9(2)(h) – '...health or social care...'.

Data services for commissioners

Purposes for processing

[Commissioning](#) is the process of planning, agreeing and monitoring health services. It is not one action but many, ranging from the health-needs assessment for a population, through the clinically based design of patient pathways, to service specification and contract negotiation or procurement, with continuous quality assessment. NHS England and Clinical Commissioning Groups (CCGs) are the commissioners that conduct these activities.

[The Data Services for Commissioners](#) programme has been established to improve NHS commissioning by ensuring that commissioning decisions, and the insights that support them, are based upon robust, standardised data that has been processed efficiently and is accessed legally.

For the purposes of this programme, NHS England has directed [NHS Digital](#) to collect the personal data that we need from the organisations that we commission to provide health care.

NHS Digital provides us with data that is anonymised in accordance with the Information Commissioner's [Anonymisation code of practice](#) which we analyse for our commissioning purposes. NHS England and NHS Digital are joint data controllers for the data with each having specific responsibilities in line with their statutory functions.

Sources of the data

As a commissioner NHS England uses information from the providers of the services it commissions. These are:

- [Specialised services](#)
- [Armed Forces and Families Health Care](#)
- [Health and justice](#)
- [Public Health Services](#)
- [Secondary Dental Services](#)

Categories of personal data

For most commissioning purposes NHS England does not receive or process data that identifies individuals directly. This is not necessary for our purposes. The purpose of the Data Services for Commissioners Programme is to enable us to analyse data for our commissioning purposes, without our needing to see personal data. We use data that has been anonymised by NHS Digital in accordance with the Information Commissioner's [Anonymisation code of practice](#).

NHS Digital processes personal data collected from providers of health care on our behalf. This includes information about the diagnosis, treatment received, postcode and date of birth. It also includes NHS number which is used by NHS Digital to link data from several sources. An example of this is where we need information relevant

to a Specialised Service, linked to the data submitted routinely by hospitals to NHS Digital via the [Secondary Uses Service](#).

Categories of recipients

We provide anonymised and aggregate data (numbers) to CCGs and to the organisations that we commission to provide health care, or their data processors.

All requests for data from NHS Digital are dealt with by the [Data Access Request Service](#).

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is 6(1)(e) '...exercise of official authority...'. For special categories (health) data the basis is 9(2)(h) '...health or social care...'.

National collections

Purposes for processing

NHS England has a power under the [Health and Social Care Act 2012 to direct NHS Digital](#) to collect information from health organisations. The general purpose for doing this is to establish collections of information that can be used to monitor how well the NHS is performing and the quality of care provided. As the data is held centrally it can be linked to provide information that would not otherwise be possible.

Below is a list of the directions we have issued to NHS Digital for personal data collections.

- [Assuring Transformation Data Collection \(2015\)](#)
- [Children and Young People's Health Services \(CYPHS\)](#)
- [Data Services for Commissioners \(2015\)](#)
- [Dementia Prevalence \(2015\)](#)
- [Diabetes Prevention Programme Audit Pilot](#)
- [Diagnostic Imaging Data Set Service \(2015\)](#)
- [Emergency Care Data Set Collection \(2017\)](#)
- [General Practice Appointments Data Collection in Support of Winter Pressures \(2017\)](#)
- [Genetic Testing Rates Information System \(2017\)](#)
- [GP Workload \(2017\)](#)
- [Maternity Services \(2015\)](#)
- [Mental Health Services \(2015\)](#)
- [NHS 111 Pathways Data Collection \(2017\)](#)
- [NHS 111 Online](#)
- [National Audit of Pulmonary Hypertension \(2016\)](#)
- [National Cancer Waiting Times \(SCCI0147\)](#)
- [National Diabetes Audit \(2017\)](#)
- [Personal Health Budget Collection \(2017\)](#)

- [Primary Care Registration Management \(2018\)](#)
- [Retrospective Audit of Data for Mesh Procedures Data Analysis \(2018\)](#)
- [GP Streaming Audit \(2018\)](#)
- Citizen Identity Services (2018)

These can be accessed [here](#).

Sources of the data

The information may be collected from any organisation that provides health services to the NHS, including NHS Trusts, NHS Foundation Trusts, GP Practices and other primary care providers and local authorities.

Categories of personal data

The details of the individual collections are specified in the directions. This may include records representing individual items of care, or summarised information including just numbers. Where information about individual patients and their care is collected, this will usually include their NHS Number, other similar identifiers, postcode and date of birth. These are needed to make sure that the data is correct, and to allow linkage to other data. The data will include information about the health care received, administrative information, and may include ethnicity.

Categories of recipients

A benefit of this approach is that personal data is held only by NHS Digital, who only release it to other organisations, including NHS England, where there is a specific legal power (See for example [Assuring Transformation](#)). Data is also released in a form that is anonymised in line with the Information Commissioner's Anonymisation code of practice. All requests for data from NHS Digital are dealt with by the [Data Access Request Service](#).

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing when directing NHS Digital using its powers under the Health and Social Care Act 2012 is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is 9(2)(h) – '...health or social care...', and/or 9(2)(j) – '...research purposes or statistical purposes...'.

When NHS Digital processes personal data under directions from NHS England, the two organisations are acting jointly as data controllers.

Primary Care Support England

Purposes for processing

NHS England has a contract with Primary Care Support England to provide seven services as a data processor. These are described below.

Primary Care Records

PCSE provide a service to move hard copy patient records between GP Practices. They also store paper records for unregistered patients and the deceased. See [Patients registered with GP Practices](#).

Cervical Screening

The National Cervical Screening Programme aims to reduce the number of women developing cervical cancer by detecting pre-malignant changes in the uterine cervix. Women aged 25-64 years are eligible for inclusion in the National Cervical Screening Programme. Women aged 25 – 49 are called for Screening every three years, whilst women aged 50 – 65 are called every five years

PCSE supports the National Cervical Screening Programme on behalf of NHS England by:

- Providing Prior Notification Lists of patients eligible for screening to GP practices
- Sending out call and recall letters to patients eligible for cervical screening tests
- Notifying patients of test results once we receive these from laboratories

The source of the information to produce the notification lists is the list of patients registered with GP Practices that NHS Digital hold on behalf of NHS England.

GP Payments and Pensions

NHS England is responsible for paying GP Practices for their services. The payments that PCSE administer are listed below with the type of data and sources.

Payment type	Data type	Source
Global sum payments	<ul style="list-style-type: none"> • GP Name • GD Code • Practice Code 	Registration list (NHAIS)
PMS contract baseline payments	<ul style="list-style-type: none"> • Practice Code 	Registration list (NHAIS) and contract variation template from Regional Local Team/CCG
Drugs payments (prescribing and dispensing)	<ul style="list-style-type: none"> • Practice Code • Partnership details / code • GP Names • GD Code 	NHS Digital dependency
Childhood immunisations payments	<ul style="list-style-type: none"> • Practice Code • GP Name • GD Code 	Open Exeter

OFFICIAL

Seniority payments	<ul style="list-style-type: none"> • Partnership details / code • DoB • Sex • National Code • GMC Number • Country of Birth • Start date • Registered date • Length of service • Share / salary details 	Performer list/NHAIS
Ad-Hoc payment instructions (Locum/Premises/Rates)	<ul style="list-style-type: none"> • Practice Code 	RLT/Delegated CCG
GP trainee payments and expenses (For non-lead employer areas)	<ul style="list-style-type: none"> • Registrar Name • Practice Code • GMC Number • Partnership Code • Trainer Name • CTP Date 	Health Education England / Practices
GP training grant payments	<ul style="list-style-type: none"> • Registrar Name • Practice Code • GMC Number • Partnership Code • Trainer Name • CTP Date 	Health Education England / Practices/RLT's for non lead employer areas
Enhanced Service payments via CQRS	<ul style="list-style-type: none"> • Practice Code 	Extracted from GP practice systems by NHS Digital acting under directions.
Quality and Outcomes Framework payments (aspiration)	<ul style="list-style-type: none"> • Practice Code 	NHS Digital direct dependency
Quality and Outcomes framework payment (achieved)	<ul style="list-style-type: none"> • Practice Code 	Extracted from GP practice systems by NHS Digital acting under directions.
Public Health Immunisation Schedules payments	<ul style="list-style-type: none"> • Practice Code 	RLT/Delegated CCG
GP retainers	<ul style="list-style-type: none"> • Practice Code 	HEE / Local area teams
Local Medical Committee levies-depends on contract type	<ul style="list-style-type: none"> • Practice Code • CCG Code 	LMC/NHSE

PCSE also act as the administrator for GP pensions on behalf of NHS England. The pension and its funds are managed by NHS Pensions and not PCSE. Any decisions related to the management of a pension are the responsibility of NHS Pension and / or NHS England, PCSE are only responsible for the administration element which includes processing forms / documentation and allocating funds to account.

As part of this process, PCSE may collect personal identifiable information relating to members of the pension, including name, address, date of birth, national insurance number and salary details. If you have an enquiry regarding what personal identifiable information is processed as part of the pensions administration, you may contact PCSE at <https://pcse.england.nhs.uk/contact-us/>.

Pharmaceutical List – [market entry applications](#)

Pharmaceutical lists are maintained by NHS England and all market entry applications to provide Pharmaceutical Services are made to the NHS England Regional Local Team. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as amended provides the regulatory framework for managing pharmaceutical lists. Applications for inclusion in a pharmaceutical list must be made by sending NHS England an application in writing in line with these regulations.

The personal data includes; full name, sex, date of birth, residential address and telephone number. For further information please refer to the [Pharmacy Manual – Template Application Forms](#).

NHS England's policies and procedures for managing pharmaceutical services, providers and the lists are set out in the [Pharmacy Manual](#).

Primary Care Support England (PCSE) is responsible for administering applications to join the pharmaceutical list on behalf of NHS England.

Ophthalmic payments

Opticians send payment forms to Primary Care Support England. These include patient name, address, date of birth, whether an eye test was done, and the voucher issued. PCSE produces a statement for each optician which is sent to NHS England for payment. These statements do not contain personal data relating to patients.

Performers Lists

There are three National Performers Lists operated by NHS England – one for medical, dental and ophthalmic performers. The lists provide an extra layer of reassurance for the public that GPs, Dentists and Opticians practicing in the NHS are suitably qualified, have up to date training, have appropriate English language skills and have passed other relevant checks such as with the Disclosure and Barring Service (DBS) and the NHS Litigation Authority.

PCSE administer initial entry to the National Performers List. The decision to admit or decline an applicant to the National Performers Lists is the responsibility of NHS England. PCSE also administer changes to a performer's status, transfers between

practices (for medical performers only) and performer movement between local teams on behalf of NHS England.

As part of this process, PCSE collects personal data, as detailed via information collated on NHS England's official national performers lists documents, please see www.performer.england.nhs.uk. If you have an enquiry regarding what personal information is processed as part of the performers lists, please email pcse.performerlists@nhs.net.

Open Exeter

Open Exeter is a facility to enable access to the list of [patients registered with GPs](#) that is held by NHS Digital on behalf of NHS England. PCSE administer the authorisation process for access and issue access credentials. Access by organisations is approved by NHS England's Caldicott Guardian.

Practice Mergers and Closures Notifications

PCSE are responsible for administering and updating systems when advised of GP practice closure and merger, on behalf of NHS England. This process includes transferring between/removing GP's from practices.

As part of this process, PCSE collects personal data, as detailed on NHS England's official NPL3 document, please see www.performer.england.nhs.uk. If you have an enquiry regarding what personal information is processed as part of the performers lists, please email pcse.performerlists@nhs.net.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For purposes relating to GP payments and pensions the lawful basis for processing is Article 6(1)(b) – processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

For the processing of special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Legacy records

Purposes for processing

Legacy records from Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs) were transferred to successor organisations as part of a legal transfer in 2013. This work was led by Department of Health. Departments within NHS England that are now responsible for a particular function received the records and information that they required for the function to progress within this transfer.

The NHS England Records Management Team is responsible for the management of closed legacy records. These paper legacy records are stored securely all over the country with 23 suppliers and are available to teams if needed for business needs.

The personal data in these records may be provided in response to subject access requests and is subject to the other GDPR rights.

Categories of personal data

The categories of legacy records that we hold are as follows:

- Audit / Clinical Audit
- CAMHS (Child and Adult Mental Health Services) / Children's and Young Persons Service / Family Planning Clinics and Services
- Clinical i.e. specialist commissioning / performance management / Serious Untoward Incidents
- Complaints/PALS
- Dental (includes patient records)/ Dental GP Contracts / Emergency Dental Service
- Enhanced Services
- Estates Management
- GP Appraisals [deregistered and RIP GP patient files held by PCS]
- Incidents (including infection prevention and control)
- Legal claims/issues
- Management and use of Controlled Drugs / Medicines Management / Medical Director
- Mental Health Commissioning
- Nursing & Quality - Safeguarding
- PEC (Professional Executive Committee)
- Primary Care Commissioning and Contracting - Dental / GP / Director / Medical / Medicines Management / Pharmacy / Optometry / Non Acute Commissioning / Non Funded Care / Extra Contractual Referral
- Quality and Clinical Governance
- Safety and Quality
- Ophthalmology (payments)

Many but not all of these records include personal data.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Public and partners

How we use personal data when you contact us or work with us

People who contact our Customer Contact Centre

Purposes for processing

NHS England operates a customer contact centre which gives a central contact for members of the public, patients or their representatives to contact NHS England. This can be for individuals to register a complaint, request information (Freedom of Information, Subject Access), submit an enquiry or provide feedback.

Sources of the data

NHS England collects information when members of the public contact us. This can be when they ask a general enquiry through our contact centre or directly with teams. In doing so, we collect relevant information at the point of contact to resolve their enquiry.

Categories of personal data

The data collected by NHS England about the enquiry is primarily stored on our contact centre customer relationship management system. This includes a record for the individual with an associated file relating to their case (i.e. a general enquiry, freedom of information request, subject access request, access to medical records request, complaint etc.). Case files contain records of previous requests/contact types from that individual. They hold name, contact information and any other information relating to their case. There may also be instances where individuals contact specific teams in NHS England and information provided at this point will be collected (i.e. name and contact information).

Categories of recipients

The information is used by the contact centre and relevant teams to manage the response to the query within the organisation.

Subject access requests and access to medical records requests

- Primary Care Support England (PCSE) delivered by Capita Ltd manages responses to subject access requests and access to medical records requests for GP records. PCSE acts as a data processor for NHS England to manage GP health records for un-registered or deceased individuals.
- The Corporate Information Governance team manages responses to subject access requests and access to medical records requests for records held by NHS England other than GP records.

Freedom of Information and Environmental Information Regulations Requests

Information including personal data about the applicant is used by the Freedom of Information team to log and progress requests and for reporting purposes.

Information not including personal data about the applicant is used by:

- NHSE teams that hold any information relevant to the request.
- Capita under contract with NHS England in the handling of any relevant information that they hold on behalf of NHS England.
- Commissioning Support Units (CSUs) under contract with NHS England in the handling of any relevant information that they hold on behalf of NHS England.
- The NHSE Chief Executive Office and Media Team receive reports from the FOI team in-line with the monitoring of request types and trends.

Complaints

The information is used by the regional complaints teams to investigate and respond to the complaint.

Anonymous information from complaints may also be used by relevant teams within NHS England to learn from complaints to drive improvement to services and appropriately allocate resources.

Please see our [contact centre](#) webpage for more information.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is 9(2)(h) – '...health or social care...'.

If your MP raises a matter with us on behalf of you

Purposes for processing

The Secretary of State for Health (SofS) is accountable to Parliament for the health system, including the business of NHS England. The Department of Health and Social Care (DHSC) supports the SofS in his role which includes accounting to Parliament for NHS England's performance and the effectiveness of the health and care system overall.

NHS England is an arm's length body of DHSC and shares responsibility for accounting to the public and to Parliament for policies, decisions and activities across the health and care sector. Accountability to Parliament will often be demonstrated through responses to parliamentary questions, MPs' letters, and appearances before parliamentary committees.

Categories of personal data

The data collected by NHS England is stored in the Parliamentary Business Team's central files. This will include a record for the individual with an associate file relating to their contact. Files may hold items such as individual's name, contact information and any other information relating to their communication. There may also be instances where individuals contact specific teams within NHS England. As such, information provided at this point will be collected (i.e. name and contact information).

Sources of the data

NHS England will collect information when members of the public, parliament or DHSC contact the organisation in relation to an MP request or Parliamentary Question. In doing so, NHS England collect relevant information at the point of contact to enable the team to provide a response to the request.

MP requests are often received by the NHS England Chief Executive Office and The National Medical Director's Office. They are then passed to the Parliamentary Business Team.

Categories of recipients

The information including information about the member of the public and MP is used by:

- Parliamentary Business Team
- NHS England Chief Executive Officer
- NHS England National Medical Director's Office
- Any other team within NHSE that may directly receive such requests

The request information not including personal data about the applicant is used by:

- NHS England teams that hold any information relevant to the request.
- Capita under contract with NHS England in the handling of any relevant information that they hold on behalf of NHS England.
- Commissioning Support Units (CSUs) under contract with NHS England in the handling of any relevant information that they hold on behalf of NHS England.

Legal Basis for processing

For the General Data Protection Regulation (GDPR) purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data, the basis is Article 9(2)(h) '...health or social care...'.

If you get involved in our work as a 'Patient and Public Voice (PPV) Partner'

Purposes for processing

Patient and public participation is an essential part of NHS England's way of working. We want to build strong and supportive relationships with our Patient and Public Voice (PPV) partners, so that we can work in partnership and use people's experiences and views to inform our work. The term PPV Partners includes patients, service users, carers and families, and the general public.

Our approach to working with our PPV Partners is set out in our [PPV Partner Policy](#), which describes four different types or categories of PPV Partner role:

- PPV partners who choose to attend, respond or comment on open access engagement opportunities e.g. responding to online surveys or attending a meeting in public
- PPV partners who are invited to attend workshops/events/ focus groups on a one-off basis
- PPV partners who are a member of a working group which meets regularly
- PPV partners who are in senior PPV roles that demonstrate strategic and accountable leadership and decision making activity.

Sources of the data

The data is provided by PPV Partners when registering to attend a meeting or event, and / or when applying to a specific PPV Partner role (through submitting an application form).

Categories of personal data and recipients

The information provided on the application form includes:

- name
- age address and postcode
- e-mail address
- whether the applicant can access e-mail
- whether the applicant is a
 - patient or health service user (current or previously)
 - carer of a patient currently / previously using health services
 - Representative of a patient organisation
 - Other
- Ability to use telephone, e-mail, and internet to communicate and take part in meetings
- Ability to commit time
- Other PPV roles
- Skills and experience
- Any access or support needs to enable participation
- References

The information is used to identify and engage with PPV Partners, and enable communication and involvement in PPV activities..

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'.

Subscribers to our mailing lists

Purposes for processing

NHS England will in the routine course of its business need to communicate with stakeholders across the business (i.e. with all Clinical Commissioning Group (CCG) Accountable Officers, all Commissioning Support Units or for certain programs and initiatives. These communications are either to provide relevant stakeholders important information in relation to their business or that of NHS England. Other communications may be in relation to a project to which interested parties have subscribed for further information as and when it is available (i.e. event attendance, updates on project progress or canvassing feedback on documentation for initiatives).

Categories of personal data

Name and contact (email) information.

Sources of the data

Contact information is primarily collected by teams in the routine course of their work with relevant stakeholders, i.e. it is deemed appropriate a mailing list is created to canvass responses or feedback on documentation. It may also be collected on request, i.e. colleagues or members of the public contact NHS England and ask to be placed on a relevant mailing list for updates.

Categories of recipients

The information is used by NHS England, its hosted bodies, or data processors acting on our behalf.

Legal Basis for processing

For the General Data Protection Regulation (GDPR) purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'.

Social prescribing

Purposes for processing

Social prescribing involves helping patients to improve their health, wellbeing and social welfare by connecting them to community services which might be run by the council or a local charity. For example, signposting people who have been diagnosed with dementia to local dementia support groups.

The NHSE Social Prescribing team is currently supporting NHS, Health Providers and the Voluntary Community and Social Enterprise (VCSE) with social prescribing development. The contact lists are used to contact social prescribing contacts who have requested to be part of the social prescribing regional networks so that network members can keep up-to-date with social prescribing development and to also share information and good practice. Details held within the contact lists are provided by the attendees of the Social Prescribing team events and as such, the information is supplied to the Social Prescribing team voluntarily.

Categories of personal data

The contact lists contain the following information categories:

- Full Name
- Job Title
- Location
- Workplace
- Telephone number – mobile
- Email address

Sources of the data

The data is provided by Social Prescribing members/stakeholders.

Categories of recipients

The information is used by the Social Prescribing team to contact the relevant Social Prescribing contacts.

Legal Basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'.

Clinical Pharmacists in General Practice

Purposes for processing

NHS England's [Clinical Pharmacists in General Practice](#) programme supports the introduction clinical pharmacists working in GP practices. This is part of a wider expansion of the general practice workforce so that patients have better local access to a range of highly trained health professionals for their needs. NHS England is responsible for approving applications for the scheme. We commission a research organisation to evaluate the programme and training and development providers. We commission the procurement of training and development providers and will commission a research organisation to evaluate the programme.

To apply for the scheme a lead contact submits an application form via the Clinical Pharmacists Portal. The lead contact acts on behalf of the practice(s) for the application. He or she is the contact for queries with the application, to send information about the programme, and is a point of contact for training and development providers.

We communicate directly with clinical pharmacists to provide information about the programme. We provide their contact details to the organisation that will be undertaking an evaluation of the programme, to ensure that they can be involved in the evaluation. We also use information about them to ensure that only the people we fund as part of this programme have access to the training and development that NHS England commissions.

Sources of the data

Lead contacts or someone working on their behalf submit information about themselves via the Clinical Pharmacists Portal.

Quarterly reports are submitted by or for the practices in which the clinical pharmacist is working, with their details. The Clinical Pharmacist may enter their own details, or it could be another person in the practice or a person in another organisation that forms part of the bid.

Categories of personal data and recipients

About the Lead Contact: name and email address.

About the Clinical Pharmacists: name, e-mail address and General Pharmaceutical Council number.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'.

Those completing surveys or questionnaires

Purposes for processing

NHS England uses a range of different surveys as a valuable source of feedback directly from patients, services users and NHS staff about the care that they receive or provide. The surveys that we conduct involving the processing of personal data are described below.

GP Patient Survey

The GP Patient Survey assesses patients' experience of healthcare services provided by GP surgeries, including experience of access to GP practices, making appointments, the quality of care received from GPs and practice nurses, satisfaction with opening hours and experience of NHS urgent care services. The survey also includes a number of questions assessing patients' experience of NHS dental services. The GP Patient Survey is currently conducted by Ipsos MORI who act as a data processor on behalf of NHS England.

Sources and categories of personal data

The mailing list for the GP Patient survey is produced from the registered GP patient list that is held by NHS Digital. A random probability selection of patients (aged 16+) is selected from all eligible GP practices, and the names and addresses of the selected patients are sent to Ipsos MORI who distributes the questionnaire on our behalf. Once the survey is finished Ipsos MORI destroys the contact details that it has received.

Each survey response has a unique reference number. Ipsos MORI uses this survey number to (i) identify who has responded to the survey (so they only send reminder letters to people who haven't responded), (ii) to link responses to GP practices, and (iii) to weight the responses by linking to the age and gender of respondents. The survey responses are never linked to the patients' personal details.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For special categories (health) data the basis is Article 9(2)(h) '...health or social care...'.

Subjects' rights

If someone does not want to receive reminders about this survey, they may send back a blank questionnaire or contact Ipsos MORI on a Freephone number provided with the questionnaire. They may also inform Ipsos MORI that they wish to permanently opt out of the survey.

Categories of recipients

The individual answers to the survey are combined with the answers from other people who have responded so the data can be analysed by approved NHS England staff. They are not linked to names, NHS numbers or health information. Approved researchers may be granted access to the data for specified uses via an application process.

Aggregated data are published at national, CCG, and GP practice levels. Small cell counts are suppressed in the published data so that individuals cannot be identified from their responses.

Retention period

All name and address information is destroyed within two months of the end of the survey fieldwork period.

National Cancer Patient Experience Survey

The National Cancer Patient Experience Survey is currently conducted by Quality Health Ltd. who act as a data processor on behalf of NHS England. The aim of the survey is to provide insight on patient experience of cancer care and treatment. It has been designed to monitor national progress as well as to provide information to drive local quality improvements.

Categories of personal data

The data we use for administering the survey includes names and addresses, sex, ethnic group, date of birth, diagnosis code, admission and discharge dates, site treated at, speciality code, referring CCG, admission type, and NHS number. We need the diagnosis code to verify the patients' diagnosis of cancer.

Sources of the data

Patients (aged 16+) who received cancer care as an inpatient or day case and were discharged in particular months of the survey year receive the questionnaire. Patient details are obtained from the NHS Trusts who have provided the care.

Categories of recipients

Public Health England uses the survey data to carry out further analysis by linking the data to the National Cancer Registration and Analysis Service. NHS Digital use the survey data to carry out further analysis for bowel cancer patients by linking the data to the National Bowel Cancer Audit. These recipients do not receive names and addresses, but do need NHS Numbers for linkage purposes. Approved researchers receive anonymised data under license from NHS England.

Retention period

All name and address information is destroyed after 3 months of completion of the survey, unless an erasure request is made sooner or patients agree in the questionnaire to be contacted again in future.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For special categories (health) data the basis is Article 9(2)(h) '...health or social care...'.

NHS England and Quality Health have obtained section 251 approval (of the NHS Act 2006 and Health Service (Control of Patient Information) Regulations 2002). This provides a legal basis for patient information to be used to carry out the survey. Patients consent to the use of the information they provide in the questionnaire.

Subjects' rights

Patients can opt out of receiving the questionnaire by informing the Trust that has treated them. The Trust provides information on how to do this. Patients can also withdraw the information given questionnaire upon request, up to the point at which data are analysed and personal details removed. A helpline number is given on the questionnaire.

NHS Staff Survey

The purpose of the NHS Staff Survey is to collect staff views and experiences of working in the NHS and to provide information for deriving national and local performance indicators relating to staff engagement, diversity and inclusion. The survey is carried out on behalf of trusts and other NHS organisations by third party survey contractors who contract directly with the trust. The contractors submit the data to the NHS Staff Survey Co-ordination Centre who are the national data processor for NHS England and provide benchmarking reports for each organisation along with national reports. The data is used to improve local working conditions for staff, and ultimately to improve patient care.

Sources and categories of personal data

Information is provided by employing organisations from the entries in the Electronic Staff Record for their employees. This includes name, work address, and/or e-mail address. It also includes full name, age, directorate, department or division, location, job title and staff group, maternity, pay band; ethnicity; long-standing illness, health problem or disability. These variables help verify the representativeness of the staff list, where a sample is being used. Disability/pay band data were requested for the first time in 2017 following requests for this data from the WDES team to monitor equality. Collecting this information allows the monitoring of non-response rates by ethnicity/occupational group

Categories of recipients

The responses to the survey are collated by the survey contractors and the response data are sent to the Staff Survey Co-ordination Centre. The Co-ordination Centre is then able to provide organisations with data to compare their performance with other organisations of a similar type and also produce national statistics for NHS England.

The responses to the survey remain confidential. Completed questionnaires are submitted directly to the independent survey Contractor. The employing organisation does not have access to the completed questionnaires or to any linked personal data (e.g. names and addresses). The report that is sent back to the organisation presents the survey findings in summary form, and does not reveal the identity of the staff sampled. To help preserve anonymity, the Co-ordination Centre will not provide feedback on any group from which there are 10 or fewer responses.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) – '...health or social care...'.

Clinical Networks and Senate

Purposes for processing and categories of personal data

Strategic Clinical Networks (SCN) bring together those who use, provide and commission the service to make improvements in outcomes for complex patient pathways using an integrated, whole system approach. SCN serve in key areas of major health and wellbeing challenge, currently:

- cardiovascular (including cardiac, stroke, renal and diabetes)
- maternity, children and young people
- mental health, dementia and neurological conditions
- cancer

Clinical Senates have been established to be a source of independent, strategic advice and guidance to commissioners and other stakeholders to assist them to make the best decisions about healthcare for the populations they represent.

The personal data we process include:

- name and contact details of patients, healthcare colleagues and other stakeholders
- personal data contained in expressions of interest for positions within the Networks and Senate, CVs, information arising from the interview process, and pen-picture biographies
- personal data relating to claims for expenses.

Sources of the data

- Patients, healthcare colleagues and other stakeholders
- Healthcare providers

Categories of recipients

The data are used by the Clinical Networks and Senate Teams in NHS England.

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'.

Care maker recruitment

Purposes for processing

Since the launch of the Care Maker programme in 2012, NHS England has recruited Care Makers across England. The first Care Makers were recruited before the Chief Nursing Officer's Conference in 2012 to support the previous national nursing and midwifery strategy 'Compassion in Practice' (2012). Initially aimed at students and newly qualified staff, the Care Maker programme is now open to students and staff at all levels and disciplines within a health or care setting.

The three year '*Compassion in Practice*' strategy concluded in *March 2016*. Leading Change, Adding Value – a framework for nursing, midwifery and care staff was launched in May 2018 and the Care Maker role has evolved to now champion this initiative.

Care Maker Recruitment is an ongoing open process – interested staff members must complete the quality assurance forms, available on the NHS England [website](#), and submit to the Care Maker Application team for review.

Categories of personal data

The database contains the following elements:

- Full Name
- Job Title
- Speciality
- Location
- Workplace
- Details of where the applicant studied
- Telephone number – mobile
- Email address
- Postal Address

Sources of the data

The data is provided by Care Maker applicants.

Categories of recipients

The information is used by:

- The Care Maker Application team when reviewing application forms
- The Care Maker Application team to compile distribution lists
- Regional Nurse Leads and regional Care Maker Co-ordinators in order for them to contact Care Makers about campaigns and events in their area.

Legal Basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'

Clinical Entrepreneur

Purposes for processing and categories of personal data

As part of the [NHS Mandate](#), NHS England has developed the Clinical Entrepreneur Training Programme which is designed to offer opportunities for junior doctors and wider health professionals to develop their entrepreneurial aspirations during their clinical training period. The Clinical Entrepreneur Training Programme forms part of NHS England's wider [programme of innovation](#).

NHS England process the following categories of personal data in relation to the Clinical Entrepreneur Training Programme:

- Name and contact details
- Date of birth
- Educational and employment background
- Any other information provided within individual CVs
- Information relating to their innovation proposal and progress in its development

The purposes for processing the above categories of personal data are:

- To ensure the suitability of individuals applying for the programme
- To ensure the suitability of the mentoring and educational events available to applicants
- To maintain distribution lists in relation to the programme
- To maintain distribution list in relation to other events and funding opportunities

Sources of the data

The data is provided by applicants, partners and mentors to the programme

Categories of recipients

- University and higher education training partners
- Department of Health and ALBs
- Other Government Departments
- Academic Health Science Networks (AHSNs)
- Health charities, third sector organisations and social enterprises
- Health industry organisations
- Mentors to the programme (selected by applicants to the programme)

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'.

National Innovation Accelerator

Purposes for processing and categories of personal data

National Innovation Accelerator is hosted by UCL Partners although we commission/contribute financially to the programme. For applications to the programme they use the fluid review system which is accessed by UCL Partners for assessment purposes; within our team we can also access all data should we wish as follows:

- name and contact details
- professional registration number
- personal data supplied in application made to the programme, such as biographical details/place of work/organisational details
- references
- letters of support
- personal data contained in shortlists or processed as a result of interviews
- personal data comprised in press releases or other publicity materials (such as case studies)
- a personal sprint plan.

Categories of recipients

Recipients of the data include:

- The Research and Innovation team
- The Innovation team
- Academic Health Science Networks
- Assessors (NHS England, NHS Improvement, NHS Digital, Partner Organisations, external experts)
- Partner organisations
- The media and the public

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...'.

Counter fraud

Purposes for processing

NHS England has a team of Accredited Counter Fraud Specialists with responsibility for the prevention and detection of fraud, bribery and corruption against the organisation. When allegations are made suggesting that NHS England has been

the victim of an economic crime, the Counter Fraud Team will conduct an investigation. This may involve; gathering evidence, obtaining witness statements and interviewing suspects. If evidence of a crime is found, the suspect may face disciplinary proceedings, (including referral to professional body), civil sanctions, and/or criminal proceedings.

We work closely with the NHS Counter Fraud Authority, who has oversight of cases as they progress and in the case of prosecutions, act as a gateway for initial file submissions to the Crown Prosecution Service.

Perpetrators of economic crime against NHS England can be anyone associated with the Health Service, including:

- patients,
- employees,
- primary care contractors, (GPs, dentists, opticians, pharmacists)
- suppliers.

In order to establish if a criminal offence has occurred, NHS England may request access to personal data. Primary care contractors are obliged under regulations to provide information to NHS England that is reasonably required in connection with their contract, such as counter fraud activities. Service Condition 24 of the NHS Standard Contract requires providers to allow Counter Fraud Specialists access to information that is relevant to the detection and investigation of cases of bribery, fraud or corruption.

Categories of personal data

In order to carry out our activities to prevent and detect economic crime we may process the following data:

- Contact details such as names, addresses, telephone numbers
- Emergency contact(s)
- Education and training, incl. development reviews (appraisals)
- Patient data, incl. GP, dental optical and pharmaceutical records
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Employment details, (employment contract, salary, position etc.)
- Information around travel and subsistence; expenses
- Employment / identity records (including professional membership, qualifications, references and proof of identity and eligibility to work in the UK)
- Bank details
- Pay, benefits and Pension details (incl. National Insurance number)

Please note this list is not exhaustive and may change over time.

Categories of recipients

Details of cases are entered on to the National Counter Fraud Authority's case management system.

The NHS England Counter Fraud Team may also work alongside Clinical Commissioning Groups and NHS Business Services Authority in the investigation and prevention of fraud, bribery and corruption.

When a case is submitted for prosecution, information including personal data is sent to the Crown Prosecution Service.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...task carried out in the public interest or in the exercise of official authority...'. This applies to investigation by NHS England, and co-operation with the NHS Counter Fraud Authority, Clinical Commissioning Groups and NHS Business Services Authority.

For the processing of special categories data the basis is 9(2)(g) – '...substantial public interest...'. This is supported by Schedule 1 Part 2 paragraph 10 (preventing or detecting unlawful acts) and paragraph 14 (preventing fraud) of the Data Protection Act 2018.

The National Fraud Initiative

NHS England is required to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

The Cabinet Office is responsible for carrying out data matching exercises.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

We participate in the [Cabinet Office's National Fraud Initiative](#): a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise.

The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014.

Data matching by the Cabinet Office is subject to a [Code of Practice](#). Should you wish to know more information on this [Fair Processing Notice please see the more detailed full text](#). View further information on the [Cabinet Office's legal powers](#) and the reasons why it matches particular information. For further information on data matching at this authority contact Stuart Francis at stuart.francis@nhs.net.

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) – '...exercise of official authority...', or where there is a legal obligation to share information Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.

If you whistleblow to NHS England

Purposes for processing

Whistleblowing is the term used when a worker contacts us with a concern about an organisation and its services. The concern will typically (although not necessarily) be regarding something they have witnessed at work. Full details can be found [here](#).

NHS England is a "prescribed person" (i.e. an organisation responsible for handling cases of whistleblowing under the Public Interest Disclosure Act 1998) and can investigate cases relating to Primary Care Organisations (i.e. General Practice; Local Dentistry; Opticians; and Community Pharmacy Services).

NHS England also operates its own internal policy for concerns raised by its staff. This can be found [here](#).

Further details available on NHS England's [website](#) and dedicated [whistleblowing contact pages](#).

Categories of personal data

Data collected can be anonymous from the whistleblower depending on the nature in which the information is provided. Other times, name, contact details and specific elements relating to the concerns may be collected, i.e. personal information regarding another employee, or those concerned to be at risk (name, contact information etc.) .

Sources of the data

Information will be provided by the whistleblower regarding themselves and those involved in the issues leading to the concerns raised, or those considered at risk.

Categories of recipients

The information is used by:

- NHS England and relevant teams for the purposes of investigation
- With the whistleblower's consent, we can refer the issue to an alternative external body such as the following:
 - Fraud and corruption – NHS Counter Fraud Authority
 - Serious patient safety issues or issues relating to condition of registration – Care Quality Commission
 - Allegations regarding a clinician's fitness to practice – relevant professional regulator or healthcare body (CQC)

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- Where local resolution has not been possible – NHS Improvement
- Offender Health – details of prescribed persons for Police and Justice Services can be found on the Whistleblowing Prescribed Persons Pages.
- The National Offender Management Service has its own Reporting Wrongdoing Hotline, which is 01527 544777
- Safeguarding- Issues will be dealt with in accordance with NHS England safeguarding policies.

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data the basis is Article 9(2)(h) '...health or social care...'.

Safety and quality

How we use personal data for safety and quality purposes

Incidents

Purposes for processing

NHS England is committed to the improvement of quality and delivery of services and uses incident events, investigation, evidence and reports relating to incidents under various policy and procedural structures.

An incident requiring investigation is defined as an incident that occurred in relation to NHS-funded services and care resulting in unexpected or avoidable death, harm or injury to patient, carer, staff or visitor. In order to promote quality and compliance, NHS England has several reporting protocols for incidents and provides investigation and learning to improve systems and services across the organisation.

Sources of the data

Incident events are recorded across the organisation, and within systems and services commissioned by NHS England. Under various protocols including Serious Incidents Requiring Investigation (SIRI), Never Events, Deaths In Custody, Neonatal Death, these incidents will be investigated and reviewed with a view to ensuring improvement in outturn and performance.

Categories of personal data

The data received by NHS England includes a record for each incident including (if relevant) patient or staff name, NHS Number and other personal details, including relevant healthcare records and information about the incident, including others involved or impacted by the event.

Categories of recipients

The information is used by the relevant team or department together with Nursing and Quality, and Improving Health and Quality teams in NHS England. Anonymised “lessons learned” will be cascaded to relevant parties within (or outside) NHS England to ensure that improvements are delivered.

Please see our [Serious Incident Framework Policy](#) web page and [National Reporting and Learning System](#) framework for more information.

Legal basis for processing

For the GDPR purposes NHS England’s lawful basis for processing is Article 6(1)(e) ‘...exercise of official authority...’. For the processing of special categories data the basis is Article 9(2)(h) ‘...health or social care...’.

Care and treatment reviews

Purposes for processing and categories of personal data

Care and Treatment Reviews (CTRs) are part of NHS England's commitment to transforming services for people with learning disabilities, autism or both. They are used by commissioners for people living in the community and in learning disability and mental health hospitals. They are helping to reduce the number of people going into these hospitals.

CTRs also help to improve the quality of care people receive in hospital by asking key questions and making recommendations that lead to improvements in safety, care and treatment. They reduce the amount of time people spend in hospital and bring people together to help to sort out any problems which can keep people in hospital longer than necessary. They do this by helping to improve current and future care planning, including plans for leaving hospital. Further information can be found [here](#).

NHS England processes personal data to organise CTRs. The personal data NHS England processes include:

- Name and home address
- NHS number
- date of current admission and estimated date of discharge
- your consent to the Care and Treatment Review
- date(s) and venue(s) of panel meeting(s)

NHS England processes the above categories of personal data for the following purposes:

- Management and organisation of the CTRs
- For repatriation purposes of patients

Sources of the data

- Patients
- Providers of health care

Categories of recipients

Providers of health care (including the CTR panel members consisting of experts by experience)

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data the basis is Article 9(2)(h) '...health or social care...'.

Controlled drugs accountable officer – alerts etc.

Purposes for processing

Role of the Controlled Drugs Accountable Officer

Regional Lead Controlled Drugs Accountable Officers (CDAOs) are responsible for all aspects of Controlled Drugs management. The roles and responsibilities of CDAO's are governed by the Controlled Drugs (Supervision of Management and Use) Regulations 2013.

All organisations within the region are required to report controlled drug incidents and concerns to the CDAO. The Lead CDAOs are required to set up Controlled Drugs Local Intelligence Networks (CD LINs) to share concerns and good practice within their area. Whilst we can determine the specific membership, it is largely comprised of the CDAOs across the area, Clinical Commissioning Group representatives and the relevant regulators and agencies as set out in the regulations.

Cascade Alerts – sharing personal and sensitive information

Incidents of significant concern locally e.g. patients or healthcare professionals fraudulently obtaining Controlled Drugs, prescriptions, patient alerts would need to be shared through a cascade alert with healthcare professionals including GP Practices, Dental Practices, Hospitals, Community Pharmacies and other relevant healthcare providers. These alerts may contain sensitive personal information to help prevent further fraudulent activity and prevent harm to the public.

Personal sensitive information shared on alerts is usually provided to us by the police and other healthcare professionals who request us to send out an alert on a local standard NHS England Template with the NHS Logo. We facilitate this process and on some occasions this information may only be alleged concerns.

Private Prescriber Applications

The lead CDAO also receive requests from healthcare professionals to be able to order stock of CDs via requisitions and / or prescribe Controlled Drugs Privately and accordingly manage these applications with a lot of personal information included.

Sharing and reporting Fitness to Practice Concerns and Criminal Activity

Where the lead CDAO has concerns about a healthcare professional's fitness to practise they will share this information with the professional regulator and or other relevant bodies across the NHS. Information on criminal activity would be shared with the police and counter fraud agencies

Sources of the data

We receive information / unproven intelligence from:

- Members of public

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- Registered healthcare professionals
- Non-registered healthcare staff
- NHS and Private Healthcare organisations/providers
- Counter Fraud Agencies
- Commissioners
- Police CDLOs
- Regulators
- NHS England Colleagues
- Voluntary organisations
- Anonymous

Categories of personal data

CDAOs would very rarely send out an alert with any sensitive information.

- Full Name
- Personal Address
- Organisation Address
- Date of Birth
- Email addresses
- NHS Number
- Photographs
- Professional Registration Number
- Description of alleged claim(s)

Categories of recipients

We may share information and intelligence to relevant organisations:

- GP Practices
- Dental Practices
- NHS & Private Hospitals
- Community Pharmacies
- Other healthcare providers
- Voluntary Organisations
- Police
- Counter Fraud Agencies
- Commissioners
- Regulators
- NHS England Colleagues
- Other CDAOs
- CDAOs and relevant departments outside of England Footprint e.g. Scotland, Wales, Northern Ireland
- NHS Business Services Authority
- Primary Care Services England

- Local Authorities
- Public Health Departments
- Indemnity Insurance Providers
- Adult and children safeguarding boards

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) '...health or social care...'.

Safety alerts

Purposes for processing

NHS England is committed to the delivery of safe and efficient services, and will communicate safety critical information and guidance to the NHS under various policy and procedural structures.

An Alert may be issued to prevent or avoid unexpected or avoidable death, harm or injury to patient, carer, staff or visitor, or in order to prevent fraud.

Sources of the data

Alerts can be generated across the organisation, and instigated from systems and services commissioned by NHS England. Under numerous protocols including regulations for Controlled Drugs, Patient Safety, Medical Devices etc., and these alerts will be cascaded to relevant parts of the NHS to ensure patient safety and protection.

Categories of personal data

The data received by NHS England includes a record for each Alert including (if relevant) patient or staff name, NHS Number and other personal details, including relevant healthcare records and information about the Alert, including others involved or potentially impacted by the Alert.

Categories of recipients

Alerts can be cascaded throughout the NHS, and are directed, on a necessary and proportionate bases, to any relevant team within (or outside) NHS England. When Alerts are sent to relevant people they may include action to be taken, or raise awareness of potential harm to which staff need to be aware.

Please see the [MHRA CAS Pages](#) for details and [NHS England Alerting Systems](#) framework for more information.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data the basis is Article 9(2)(h) '...health or social care...'.

Safeguarding

Purposes for processing

NHS England is dedicated in ensuring that the principles and duties of [safeguarding](#) adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

Categories of personal data

The data collected by NHS England staff including its hosted bodies in the event of a safeguarding situation will be as much personal information as is necessary or possible to obtain in order to handle the situation. This is likely to be special category information (such as health information).

Sources of the data

NHS England will either receive or collect information when someone contacts the organisation with safeguarding concerns or we believe there may be safeguarding concerns.

Categories of recipients

The information is used by:-

- NHS England staff including its hosted bodies when handling a safeguarding incident.
- NHS England may share information accordingly to ensure duty of care and investigation as required with other partners such as Local Authorities, the Police, healthcare professional (i.e. their GP or mental health team).

Legal basis for processing

For the General Data Protection Regulation (GDPR) purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data, the basis is Article 9(2)(b) – 'processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...'

Assuring Transformation

Purposes for processing

NHS England uses Assuring Transformation Data to check that people with a learning disability, autism or both are getting the right care in the right place. Please see our [Assuring transformation data](#) web page and [What is assuring transformation](#) for more information about how we do this.

NHS Digital publishes a monthly progress report. This lets the public check if the NHS is doing a good job of looking after people with a learning disability, autism or both who are in hospital. The progress reports don't have any personal information, like names, birthdays or NHS numbers.

Sources of the data

Commissioners of health services (the people who plan and pay for services) collect the data in the first place from the hospitals that are treating these patients. The commissioners are NHS England and Clinical Commissioning Groups across the country. Every month NHS Digital collects the information from the commissioners and gives it to NHS England, who is responsible for the collection.

Categories of personal data

The data received by NHS England includes a record for each patient with their name, NHS Number and other personal details, and information about their stay in hospital.

Categories of recipients

The information is used by the Learning Disability Programme within NHS England to derive performance and quality indicators for Learning Disability services, in order to drive improvements in the services and to identify where good/poor practice is taking place.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is 6(1)(e) '...exercise of official authority...'. For special categories (health) data the basis is 9(2)(h) '...health or social care...'.

NHS England has obtained section 251 support (approval under the Health Service (Control of Patient Information) Regulations 2002) to receive the Assuring Transformation Dataset from NHS Digital.

If you are a patient assigned to the Special Allocation Scheme

Purposes for processing

It is important that practices can maintain a safe environment for their patients and all staff working in the practice. NHS Regulations allow a GP practice to immediately remove a patient from their list following any incident where a GP or member of practice staff has feared for their safety or wellbeing, resulting in the incident being reported to the police.

Special Allocation Schemes were created to ensure that patients who have been removed from a practice patient list can continue to access healthcare services at an alternative, specific GP practice. NHS England has a responsibility to ensure that all patients can access good quality GP services and that patients are not refused healthcare following incidents that are reported to the police.

Patients are registered on the scheme by the submission of a Violence Reporting Form to NHS England, or CCG with Delegated Authority by a GP practice. Patients are sent a letter informing them that they have been registered on the scheme.

Sources of the data

The data are provided on the [Violence Reporting Form](#) submitted by a GP practice. Authorised signatories on the form are GP Partner, Practice Manager or Deputy Practice Manager

Categories of personal data

The data included on the Violence Reporting Form includes:

- Name
- Date of birth
- Address
- NHS No
- Details of the incident
- Actions taken by police
- Whether the patient has an existing mental health condition, with details
- Medical Conditions, particularly where these may have an effect on the patients' behaviour. E.g. Their Mental Health Status, any learning disabilities, Drug or Alcohol abuse
- Existing medications
- Please provide the contact details of any other Health Care providers, e.g. Mental Health Team Workers, District Nurses, or Health Visitors and confirm that you will inform them that the patient will be placed on the Violent Patient Scheme subject to approval of the referral request

Categories of recipients

Primary Care Support England process the forms submitted by GP practices.

Legal Basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories (health) data the basis is Article 9(2)(h) '...health or social care...'

Health care professionals

How we use personal data about health professionals that we have responsibility for

Performers Lists

Purposes for processing

The National Health Service (Performers Lists) (England) Regulations 2013 (Performer List Regulations) as amended provides the regulatory framework for managing medical, dental and ophthalmic performers who perform primary care services and entrusts the responsibility for managing the performers lists to NHS England as the commissioner of primary care services. NHS England's Framework for Managing Performer Concerns sets out NHS England's governance arrangements for operationalising the Regulations.

NHS England has statutory responsibility for managing the England Performers Lists for GPs, General Dental Practitioners and ophthalmic practitioners who undertake NHS primary care services under the respective primary care contracts. The Performers Lists provide assurance to prospective employers that the performer is suitable and eligible to undertake services and for this reason is included as part of the suite of pre-employment checks undertaken. NHS England is required by statute to make the Performers List available to members of the public and this provides them with the assurance that the primary care practitioner is safe and fit to practise.

For further information please refer to NHS England's [performer list policies and procedures](#).

Sources of the data

Applications for inclusion must be made by sending NHS England an application in writing in line with Regulation 4 of The National Health Service (Performers Lists) (England) Regulations 2013 as amended.

Categories of personal data

The personal data includes; full name, sex, date of birth, residential address and telephone number. For further information please refer to the [National Performers List Application Form](#).

Categories of recipients

Primary Care Support England (PCSE) is responsible for administering entry and status changes to Performer Lists on behalf of NHS England.

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data, the basis is Article 9(2)(h) '...health or social care...'.

Managing performance concerns

Purposes for processing

The National Health Service (Performers Lists) (England) Regulations 2013 (Performer List Regulations) as amended provides the regulatory framework for managing medical, dental and ophthalmic performers who perform primary care services and entrusts the responsibility for managing the performers lists to NHS England as the commissioner of primary care services. NHS England's Framework for Managing Performer Concerns sets out NHS England's governance arrangements for operationalising the Regulations.

To meet our obligations we have established a [framework for managing performer concerns](#). This framework encompasses:

- the process for considering applications and decision making for inclusion, inclusion with conditions and refusals to be undertaken by NHS England's local offices;
- the process by which teams identify, manage and support primary care performers where concerns arise; and
- the application of NHS England's powers to manage suspension, imposition of conditions and removal from the performers lists.

NHS England has established Performance Advisory Groups (PAGs) and Performers Lists Decision Panels (PLDPs) within local teams in order to support its responsibility in managing the performance of primary care performers. The PAG's role is to consider concerns about a named individual, who is either included on the Performers List, has a prescribed connection to NHS England, or is a Pharmacist, and determine the most appropriate course of action. It can instruct an investigation where it considers it appropriate and it can agree voluntary undertakings with a performer when low level concerns have been identified and the performer accepts this to be the case. The primary role of the PLDP is to make decisions under the Performers Lists Regulations. This does not prevent the PLDP from taking any action that the PAG can take.

Sources of the data

The data sources are far-reaching and data may be provided by anyone raising a concern with regards to primary care practitioners.

Categories of personal data

The data includes the identity of the performer, details of the concern and the details of the person raising the concern as well the outcomes of any action taken regulatory or not.

Categories of recipients

The data is received by performance advisory groups and performers list decision panels. Records are held by teams in NHS England's Medical Directorate and Commissioning Operations Directorate. Regulatory or law enforcement bodies may be informed as deemed necessary.

Legal basis for processing

For GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data the basis is 9(2)(h) '...health or social care...'.

Medical revalidation

Purposes for processing

Medical revalidation is a process for evaluating that a doctor is up to date and fit to practise, introduced in December 2012. Every licensed doctor who practises medicine in the UK must have an annual appraisal and recommended as being up to date and fit to practise, by their responsible officer to the GMC, every five years. All designated bodies with connected doctors must appoint a responsible officer to oversee the revalidation of their doctors.

The (national) Senior Level Responsible Officer (SLRO) for Medical Revalidation in NHS England, supported by the four (regional) Higher Level Responsible Officers (HLRO), must be assured that all responsible officers and designated bodies are discharging their statutory responsibilities and will support them to achieve this. The SLRO in NHS England is also responsible for the revalidation of primary care medical practitioners in England that are on the medical performers list.

In order to allow NHS England to discharge its duties as a designated body, the personal details of all doctors in England, appraisers and responsible officers, (together with the contact details of administrators, Medical Directors, Clinical Appraisal Leads and Chief Executives of designated bodies in England), are held within NHS England's Revalidation Management System (RMS). The system links to [GMC Connect](#) to make revalidation recommendations and also to ensure that the databases remain synchronized.

The medical revalidation and appraisal processes have been designed so that the appraisal inputs are confidential between the doctor and their appraiser. For more information about the use of information during the revalidation please refer to the [Medical Appraisal Documentation Access Statement](#). Also the [Medical appraisal policy](#) – Annex H regarding Information Governance.

To facilitate payment of appraisals, RMS holds the supplier reference number for the appraisers and in some cases it also holds information such as the National Insurance Number and Pension Scheme Reference number where NHS England manages the pension contributions.

Sources of the data

The data is obtained from the appraisees, appraisers and responsible officers in designated organisations.

Categories of personal data

The RMS system includes personal details of doctors who have been appraised. It also includes information on education and employment history, alleged criminal offences and convictions, and health information, where relevant, to their appraisal.

To facilitate payment of appraisers, RMS holds the supplier reference number for the appraisers and in some cases it also holds information such as the National Insurance Number and Pension Scheme Reference number where NHS England manages the pension contributions.

Categories of recipients

The information in RMS will primarily be accessible to responsible officers and their administrative staff. However, certain other persons, including medical directors and regulatory bodies, may have access to the information, as explained in the access statement, referred to above. The information in RMS will only be shared with other organisations for the purposes of medical revalidation or otherwise where there is a legal power to do so, with the agreement of NHS England's Caldicott Guardian.

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data, the basis is Article 9(2)(h) '...health or social care...'.

Midwives – Local Supervisory Authority

Purposes for processing and categories of personal data

NHS England holds archive records relating to Local Supervising Authorities. Those records concern the eligibility to practise of midwives and information captured to support the safety and quality of maternity care. The information was largely held in a database that has been migrated to NHS England's system and there are also some holdings in hard copy.

The personal data we process include:

- name and contact details
- professional registration number
- a personal development plan and an annual appraisal
- action plans
- any personal data in records relating to serious incidents or Fitness to Practise investigations and outcomes

Sources of the data

- Midwives
- Providers of health care

Categories of recipients

- The Nursing team in NHS England
- Nursing and Midwifery Council
- Providers of health care

Legal basis for processing

For the GDPR purposes NHS England's lawful basis for processing is Article 6(1)(e) '...exercise of official authority...'. For the processing of special categories data the basis is 9(2)(h) '...health or social care...'.

Our workforce

How we use personal data for employment purposes

Purposes for processing

We process your personal data in the main because the processing is necessary for the purposes of a contract of employment we have with you. In some cases we may process information only once we have received your consent for us to do so. In other cases we will process data in order to comply with legal requirements, both contractually and non-contractually. The reasons for which we may process your personal data may include (but are not limited to):

- Staff administration (including payroll)
- Pensions administration
- Workforce planning, and provision of facilities such as estates, car parking and IT
- Equal Opportunities Monitoring
- Staff health and wellbeing, safety and security, e.g. CCTV and staff identity badges
- Provision of Management Information
- Surveying of staff to support organisational initiatives
- Business management and planning
- Accounting and Auditing
- Accounts and records
- Crime prevention, detection of fraud and prosecution of offenders
- Education
- Management of organisational change
- Supporting emergency preparedness and business continuity
- Health administration and services
- Compliance with obligations, e.g. returns to Cabinet Office / Government departments

Categories of personal data

In order to carry out our activities and obligations as an employer / engaging body we may process the following data:

- Contact details such as names, addresses, telephone numbers
- Emergency contact(s)
- Education and training, incl. development reviews (appraisals)
- Employment / identity records (including professional membership, qualifications, references and proof of identity and eligibility to work in the UK)
- Bank details
- Pay, benefits and Pension details (incl. National Insurance number)
- Information around travel and subsistence; expenses

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- For staff driving a vehicle for work purposes: vehicle details, details of driving licence and vehicle insurance, tax, MOT etc.
- Personal demographics (including protected characteristics such as gender, race, ethnicity, sexual orientation, religion, date of birth, marital status, nationality)
- Medical information including mental and physical health
- Information relating to health and safety
- Trade union membership
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Employment Tribunal applications, Employee Relations cases, complaints, accidents, and incident details
- Employment details (position, salary, FTE etc.) Status in relation to organisational change
- Support provided under employee assistance programmes

Please note this list is not exhaustive and may change over time.

Information sharing and recipients

There are a number of reasons why we may have to share your personal information with third parties.

There may be circumstances where information is shared without your consent, for example:

- The disclosure is necessary for a statutory function of NHS England or the third party to whom the information is being disclosed;
- There is a statutory obligation to share the data; for example making returns to the Cabinet Office, Department of Health, Office of National Statistics etc.
- Disclosure is required for the performance of a contract
- Disclosure is necessary to protect your vital interest; for example in medical emergency situations
- Disclosure is made to assist with prevention or detection of crime, or the apprehension or prosecution of offenders
- Disclosure is required by a Court Order
- Disclosure is necessary to assist NHS England to obtain legal advice

We may need to share your information with the following organisations:

Recruitment, Employee Records and Contracts Administration (NHS Business Services Authority)

NHS England and NHS Improvement have established a joint recruitment service. For further information please refer to our [joint privacy notice](#).

Payroll and Pensions Administration (NHS Payroll Services (NHS PS))

The payroll of NHS England is managed by NHS Payroll Services (NHS PS). Your personal information will be made available to NHS PS through the Electronic Staff

Record (ESR) (see below) in order to allow them to pay your salary, any associated expenses, to make appropriate deductions and to comply with our legal and statutory obligations. From time to time we may need to share additional information to that held in ESR with NHS PS in order to ensure that they deliver the services we require and continue meet statutory or contractual obligations. Data will also be shared with pensions providers, e.g. NHS Pensions and NEST.

Electronic Staff Record (ESR)

Your personal information may also be used to fulfil other employer responsibilities, for example, by to maintain appropriate occupational health records, comply with health and safety obligations, carry out any necessary security checks and all other employment related matters. In addition, the information held may be used in order to send to you information which is relevant to our relationship with you. Your information will only be disclosed as required by law or to our appointed agents and/or service providers who may be used for a variety of services; for example, processing of payroll and provision of pensions administration or staff surveys.

IBM, who provide ESR, and its partners as service providers will be responsible for maintaining the system. This means that they may occasionally need to access your staff record, but only to ensure that the ESR works correctly. Where this happens, access will be very limited and is only to allow any problems with the computer system to be investigated and fixed as necessary. They will not have the right to use this data for their own purposes and contracts are in place with the Department of Health to ensure that the data is protected and that they only act on appropriate instructions. IBM and the ESR Central Team may access anonymised data about transactions on the ESR system in order to support the development and optimal use of the system.

Some of your personal information from ESR will be transferred to a separate database, known as the Data Warehouse. This will be used by various Government and other bodies (listed below) to meet their central and strategic reporting requirements. It will allow them to access certain personal information to generate the reports that they need and are entitled to. The Data Warehouse is intended to provide an efficient way of sharing information. Organisations currently granted access to the Data Warehouse are; NHS Digital, NHS Employers, Health Education England and its local committees (LETBs), Deaneries, Department of Health, Welsh Government, NHS Wales Shared Services Partnership, Care Quality Commission, NHS Trust Development Authority, and Monitor. The government may allow further organisations to have access in the future and therefore an exhaustive list cannot be provided, however any organisation having access to your data will have a legal justification for access.

Occupational Health Service Provider

The NHS England Occupational Health Service is managed by an external provider. Your personal information will need to be shared with the provider as and when required in order to allow them to provide NHS England employees and managers with the services required.

Expenses system provider

In order to provide an efficient way for staff to claim expenses, we use a hosted third-party software. Staff data is transferred to and from this system from the ESR system in order to ensure staff are able to claim and be reimbursed for expenses and NHS England can be assured this is within the policy set. The provider meets the ISO27001 information security standard in respect of the security of the data it holds. The provider processes the data in order to advise accurate amounts for reimbursement. The company may also periodically analyse the data in order to review trends and suggest improvements to NHS England.

Internal Audit

We provide information to our internal audit function which is provided by an external service provider, in order to ensure NHS England has good processes and systems to manage and protect public funds.

Survey Providers

We may provide limited information to third party survey providers in order to collect views from our staff and report on staff engagement within the organisation.

Flexible Working

We process personal data that is necessary to enable flexible working applications to be reviewed and progressed. This includes employee name, employee number, pay band, job title and the reason for requesting flexible working. This is received by the People and Organisational Development team who review the application.

Other Bodies

NHS England is responsible for protecting the public funds it manages. To do this we may use the information we hold about you to detect and prevent crime or fraud. We may also share this information with other bodies that inspect and manage public funds. We may also share your personal information due to:

- Our obligations to comply with current legislation
- Our duty to comply with any Court Order which may be imposed

Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.

We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation or other legal basis for disclosure .

We may obtain and share personal data with a variety of other bodies, which may include:

- Her Majesty's Revenue and Customs (HMRC)

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- Disclosure and Barring Service
- Home Office
- Child Support Agency
- Internal Audit, service currently provided by Deloitte LLP
- NHS Counter Fraud Authority
- Department of Health
- Central government, government agencies and departments
- Other local authorities and public bodies
- Ombudsman and other regulatory authorities
- Courts/Prisons
- Financial institutes for e.g. banks and building societies for approved mortgage references
- Credit Reference Agencies
- Utility providers
- Educational, training and academic bodies
- Law enforcement agencies including the Police, the Serious Organised Crime Agency
- Emergency services for e.g. The Fire and Rescue Service
- Auditors e.g. Audit Commissioner
- Department for Work and Pensions (DWP)
- The Assets Recovery Agency
- Relatives or guardians of an employee where there is a legal duty to do so

What if the data you hold about me is incorrect?

It is important that the information which we hold about you is up to date. If you believe that the information we hold is incorrect, in the first instance please check if the information can be updated on ESR through the Employee Self Service portal. Guidance is available at:

<https://nhsengland.sharepoint.com/TeamCentre/TCO/People/Pages/Workforce.aspx>
[X](#)

If you are unable to make the change in ESR then please let us know by contacting your line manager and / or the Workforce Systems Team on england.workforcesystems@nhs.net.

Legal basis for processing

For entering into and managing contracts with the individuals concerned, for example our employees the legal basis is Article 6(1)(b) – ‘processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract’.

Where we have a specific legal obligation that requires the processing of personal data, the legal basis is Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject’.

For other processing of personal data about our employees, our legal basis is Article 6(1)(e) – ‘...exercise of official authority...’.

Where we process special categories data for employment purposes the condition is: Article 9(2)(b) – ‘...processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...’.

For the processing of information about the health of our workforce, the legal basis is: Article 9(2)(h) – ‘...processing is necessary for the purposes of preventive or occupational medicine...assessment of the working capacity of the employee...the provision of health or social care...’.

How the NHS and care services use your information: the National Data Opt-Out

NHS England is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is **only used** like this where allowed by law.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt-out your confidential patient information will still be used to support your individual care.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information

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- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

- [NHS Health Research Authority](#) (which covers health and care research); and
- [Understanding Patient Data](#) (which covers how and why patient information is used, the safeguards and how decisions are made).

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can apply your national data opt-out choice. NHS England is able to apply your national data opt-out choice where there is a requirement to share confidential patient information with other organisations for purposes beyond your individual care.

The following processing for which NHS England is a data controller, are exempt from the national data opt-out:

- Collection of personal data is required under s. 259 of the Health and Social Care Act 2012 following a Direction from NHS England or the Secretary of State. [Information about the collections we have directed can be found on our website.](#)
- Collection of confidential patient information about people with learning disabilities and/or autism who are in hospital for mental and/or behavioural healthcare reasons which is disclosed under the following approval under the Control of Patient Information Regulations 2002: Assuring Transformation: Enhanced Quality Assurance Process Data flow (CAG 8-02 (a-c)/2014). These flows continue to operate a separate opt-out mechanism and details of how to opt-out of the Assuring Transformation data collection can be found on the [NHS England webpages](#). This exemption is time limited until the end of the “Building the Right Support Programme”. The validation of invoices for non-

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contracted activities commissioned by NHS England or CCGs and for contract challenges where commissioners need to verify payment requests from care providers.

- The [NHS England National Cancer Patient Experience Survey](#). This national survey will continue to operate separate opt-out mechanisms and details of how to opt-out of these surveys are provided by the relevant organisations undertaking the surveys.