



May 2018

## **Lymphoedema Specialist Services Ltd: Privacy Notice**

Being transparent and providing accessible information to individuals about how we use personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). LSS sets out how we undertake this in our privacy notice. By using this Service, you agree to the collection and use of information in accordance with this notice.

**LSS's pledge: We are holding your information in strict confidence**  
**Your information is not shared for the purposes of marketing**

### **Who we are:**

Lymphoedema Specialist Services Ltd (LSS) is a limited company and currently operating as an Independent Provider for the NHS as well as treating patients privately. LSS is the holder of a collaborative NHS contract, providing treatment for patients suffering from lymphoedema as a consequence of cancer treatment along with lymphoedema and all types of chronic oedema in the terminal stages of life. LSS provides the service from outpatient clinics, hospices and patient homes, across East Sussex, and for the following clinical commissioning groups (CCGs): Eastbourne, Hailsham and Seaford CCG, Hastings and Rother CCG, and High Weald Lewes and Havens CCG.

### **What is a privacy notice?**

A privacy notice is a statement by LSS to patients, carers, the public and staff that describes how we collect, use, retain and disclose personal information which we hold. This privacy notice is part of our commitment to ensure that we process your personal information/data fairly and lawfully.

### **Why issue a privacy notice?**

LSS recognises the importance of protecting personal and confidential information in all that we do and takes care to meet its legal and regulatory duties. This notice is one of the ways in which we can demonstrate our commitment to our values and being transparent and open, and commitment to our values of Respecting Diversity, Acting with Integrity, Demonstrating Compassion, Striving for Excellence and Listening and Supporting Others. It also explains what rights you have to control how LSS uses your information.

### **What are we governed by?**

The key pieces of legislation/guidance we are governed by are:

- Data Protection Act 1998 Human Rights Act 1998 (Article 8)

- Access to Health Records Act 1990
- Freedom of Information Act 2000
- Health and Social Care Act 2012, 2015
- Public Records Act 1958
- Copyright Design and Patents Act 1988
- The Environmental Information Regulations 2004
- Computer Misuse Act 1990
- The Common Law Duty of Confidentiality
- The Care Record Guarantee for England
- Code of Practice Records Management 2016
- Code of Practice for Health and Social Care 2016
- Accessible Information Standards (AIS)
- General Data Protection Regulations (GDPR) 2018

### **Who are we governed by?**

Information Commissioner's Office - <https://ico.org.uk/> (Reference number: ZA113835)

Care Quality Commission - <http://www.cqc.org.uk/> (Registration number: 306645958)

NHS Standard Contract: 2017 - 19

LSS's healthcare professionals and registered support staff are also regulated and governed by professional bodies: The Nursing and Midwifery Council, The Royal College of Nursing, The British Lymphology Society.

### **Why and how we collect information:**

We may ask for or hold personal confidential information about you which will be used to support delivery of appropriate care and treatment. This is to support the provision of high quality and holistic care. These records may include:

- Basic details, such as name, address, date of birth, next of kin. Your NHS number. Contact we have had, such as appointments and home visits. Details and records of treatment and care, including notes and reports about your health. Results of x-rays, blood tests, etc. Information from people who care for you and know you well, such as health professionals and relatives.

It may also include personal sensitive information such as sexuality, race, your religion or beliefs, and whether you have a disability, allergies or health conditions. It is important for us to have a complete picture, as this information assists LSS staff involved in your care to deliver and provide holistic treatment to meet your clinical needs.

Information is collected in a number of ways, via your healthcare professional, referral details from your GP or directly given by you.

### **How we use information**

- To help inform decisions that we make about your care.
- To ensure that your treatment is safe and effective.
- To work effectively with other organisations who may be involved in your care.
- To support the health of the general public.
- To ensure our services can meet future needs.
- To review care provided to ensure it is of the highest standard possible.
- To train healthcare professionals.
- For research and audit.
- To prepare statistics on NHS performance.
- To monitor how we spend public money.

There is huge potential to use your information to deliver care and improve health and care services across the NHS and social care. The information can be used to help:

- Improve individual care.
- Understand more about disease risks and causes.
- Improve diagnosis.
- Develop new treatments
- Improve patient safety.

#### **It helps you because:**

- Accurate and up-to-date information assists LSS in providing you with the best possible care.
- If you see another healthcare professional, specialist or another part of the NHS, they can readily access the information they need to provide you with the best possible care.
- It enables LSS to order your compression garments and arrange postage directly to your home.

#### **How information is retained and kept safe?**

Information is retained in secure electronic and paper records and access is restricted to only those who need to know. It is important that information is kept safe and secure, to protect your confidentiality. There are a number of ways in which your privacy is shielded; by removing your identifying information, adhering to strict contractual conditions and ensuring strict sharing or processing agreements are in place.

Paper records are stored alphabetically in locked filing cabinets. LSS staff are the only persons with keys to open and lock the cabinets. Cabinets are always locked at the end of a working day.

Technology allows us to protect information with encryption and with 24 hour, 7 days a week access to LSS's Information Technology Company.

#### **How do we keep information confidential?**

LSS staff are subject to the Common Law Duty of Confidentiality and the Data Protection Act 1998. Information provided in confidence will only be used for the purposes to which you consent to, unless there are other circumstances covered by the law. LSS staff also undertake annual training in data protection, confidentiality, IT/cyber security.

#### **Data retention period**

LSS holds onto your data for 8 years, as requested by the NHS Commissioners and in line with current DoH guidelines. After which point they will be destroyed in accordance with NHS protocol.

#### **Who will the information be shared with?**

To provide best care possible, sometimes we will need to share information about you with others e.g. Clinical Commissioning Groups and compression hosiery companies. LSS does not share your information for the purposes of direct marketing. Any other healthcare professional or service who receives your information from LSS also has a legal duty to keep it confidential.

#### **Sharing with non-NHS organisations:**

We will not disclose any health information to third parties without your explicit consent, unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires the disclosure of information. We may also be asked to share basic information about you, such as your name and parts of your address, which does not include sensitive information from your health records. Generally, we would only do this to assist them to carry out their statutory duties (such as usages of healthcare services, public health or national audits). In these circumstances, where it is not practical to obtain your

explicit consent, LSS is informing you through this notice, which is referred to as a Privacy Notice, under the Data Protection Act.

**Your right to refuse:**

You have the right to refuse/withdraw consent to information holding and sharing at any time. We will fully explain the possible consequences to you, which could include delays in you receiving care.

**Contacting LSS about your information:**

Each organisation has a senior person responsible for protecting the confidentiality of information and enabling appropriate sharing. This person is known as the Data Protection Officer. In this instance, if you have any questions or concerns regarding the information LSS holds on you, or the use of your information, please contact:

**Jane Board**, Data Protection Officer

Telephone: 07786825363

Email: janeboard@nhs.net

Letter: Harbour Medical Practice, 1, Pacific Drive, Eastbourne, East Sussex BN23 6DW

If you wish to access your LSS health record, no charge will be made.

**Contacting us if you have a complaint or concern:**

LSS aims to meet the highest standards when collecting and using personal information. We encourage people to bring concerns to our attention and we take any complaints we receive very seriously. You can submit a complaint through LSS's Complaints Procedure, please contact:

**Julia Anderson**, LSS Manager, and Complaints Officer, either by:

Telephone: 07799113972

Email: julia.anderson5@nhs.net

Letter: Harbour Medical Practice, 1, Pacific Drive, Eastbourne, East Sussex BN23 6DW

**Contacting the Information Commissioners Office:**

In the event of being dissatisfied with your response from LSS, wish to report a concern, or if you think a breach of information has occurred, you are able to directly contact:

The Information Commissioners Office (ICO):

Helpline: 0303 123 1113

Email: <https://ico.org.uk/concerns>

ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.