



# Privacy Notice

## Who we are

Imp Healthcare Limited are committed to ensuring that we're transparent about the manner in which we use your personal information and that we have the correct levels of assurance in place to ensure it is used responsibly and is kept safe from inappropriate access, theft or misuse.

This privacy notice explains how we use your personal information and informs you about your privacy rights and how the law protects you.

## Our Commitment to Data Protection and Confidentiality

Imp Healthcare Limited is dedicated to protecting your privacy and will only process personal confidential data in line with the General Data Protection Regulation (GDPR), the Data Protection Act 2018, the Common Law Duty of Confidentiality and the Human Rights Act 1998.

All staff, contractors and volunteers working for Imp Healthcare Limited have a legal responsibility to ensure that personal information about you remains confidential. We have used the NHS Care Record Guarantee and NHS Constitution as a basis to provide a commitment that all records about you are used in ways that respect your rights and promote your health and wellbeing.

If you are receiving services from Imp Healthcare Limited, we may share information that does not identify you (anonymised) with other NHS and social care partner agencies for the purpose of improving local services, research, audit and public health.

We will not share information that identifies you unless we have a fair and lawful basis such as:

- You have given us consent
- For the delivery of direct healthcare
- To protect children and vulnerable adults
- When a legal court order has been served upon us
- When we are lawfully required to report certain information to the appropriate authorities e.g. to prevent fraud or a serious crime
- Emergency Planning reasons such as for protecting the health and safety of others
- When permission is given by the Secretary of State or the Health Research Authority on the advice of the Confidentiality Advisory Group to process confidential information without the explicit consent of individuals.

In line with the Data Protection Act 2018, all information that we hold about you will be held securely and in confidence. We use administrative and technical controls to do this. We use strict controls to ensure that only authorised staff are able to see information that identifies you. Only a limited number of authorised staff have access to information that identifies you where it is appropriate to their role and is strictly on a need-to-know basis.

All of our staff, contractors and directors receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.

We require our service providers to implement appropriate industry standard security measures. We only permit them to process your personal information for specified purposes in accordance with our contractual instructions and the law

We will only retain confidential information in accordance with the schedules set out in the Records Management Code of Practice for Health and Social Care 2016.

## Personal information

Personal information can be anything that identifies and relates to a living person. This can include information that when linked with other information, allows a person to be uniquely identified. For example, this could be your name and contact details.

The law and in particular GDPR Article 9, treats some types of personal information as 'special' because the information requires more protection due to its sensitivity. This information consists of:

- racial or ethnic origin
- sexuality and sexual life
- religious or philosophical beliefs
- trade union membership
- political opinions
- genetic and bio-metric data
- physical or mental health
- criminal convictions and offences

**Pseudonymised Information:** This is data that has undergone a process that replaces your identifiable information such as a NHS number, postcode, date of birth with a unique identifier, which obscures the 'real identity of the individual patient to those working with the data. Anonymised Information: This is data moved into a format which does not identify individuals and where there is little or no risk of identification.

## Purposes of processing personal information

Imp Healthcare Limited do not normally hold or have access to clinical records. However, we may need to hold some personal information about you, for example:

- if you have made a complaint to us about healthcare that you have received, and we need to investigate
- if you ask us to keep you regularly informed and up to date about the work of the organisation, or if you are actively involved in our engagement and consultation activities or service user participation groups
- it is in our legitimate interests (or those of a third party) provided your interests and fundamental rights do not override those interests
- it is necessary to protect public health
- you, or your legal representative, have given consent
- you have entered into a contract with us
- it is necessary for employment related purposes
- it is necessary to deliver health or social care services

Our records may include relevant information that you have told us, or information provided on your behalf by relatives or those who care for you and know you well, or from health professionals and other staff directly involved in your care and treatment. Our records maybe held on paper or in a computer system.

## The Information we process and share.

Your personal information may also be shared with other organisations, such as those who assist us in providing services and those who perform technical operations on our behalf.

These practical arrangements and the laws governing the sharing and disclosure of personal information often differ from one service to another.

The following table lists the purposes and rationale for why we collect and process information.

<b>Purpose for processing</b>	<b>Legal Basis / Rationale</b>
Complaints	To process your personal information if it relates to a complaint where you have asked for our help or involvement
Safeguarding	We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns
Human Resources	We will collect and process identifiable information in relation to Imp Healthcare Limited employees.

## Confidentiality Advice and Support

Imp Healthcare Limited has appointed a Caldicott Guardian who is a senior person responsible for protecting the confidentiality of service user and service user information and enabling appropriate and lawful information sharing.

## Detect and prevent fraud or crime

By law, we have to protect the public funds we administer. We may use any of the information you provide to prevent and detect fraud. We may share this information with organisations responsible for auditing or administering public funds including the Audit Commission, the Department for Work and Pensions, other local authorities, HM Revenue and Customs, and the Police.

We may use data matching to identify errors and potential frauds and we take part in national data matching exercises undertaken by the Audit Commission where permitted under the Data Protection Act 2018.

We may share the information we hold with organisations such as the Police to prevent or detect crime, apprehend or prosecute offenders or prevent the risk of harm to an individual.

## Data Transfers beyond European Union

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

## Data Retention/criteria

We will only keep your personal information for as long as the law specifies. Where the law does not specify this, we will keep your personal information for the length of time determined by our business requirements. This is available in the individual privacy notices.

## How we keep your information safe

We are committed to ensuring your personal information is safe and protected from accidental loss or alteration, inappropriate access, misuse or theft.

As well as technical, physical and organisational controls, we recognise that a 'well trained', informed and security alert workforce minimises privacy risks from human error and/or threats.

We require our service providers to implement appropriate industry standard security measures. We only permit them to process your personal information for specified purposes in accordance with our contractual instructions.

## Your Rights

You have certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal data we hold about you.

You may exercise the rights listed below in relation to our use of your personal information. Some rights are absolute, and others are not.

To find out more about how these rights apply in particular circumstances, please refer to our Guide to exercising your rights Data Subject Rights. For more information about your rights, visit the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk)

To raise a concern about the handling of your personal information by Imp Healthcare Limited, please contact our Data Protection Officer (DPO) using the contact form on our website:

[imphealthcare.co.uk](http://imphealthcare.co.uk)

Whether you are exercising your rights or raising a concern, you will normally need to include documents that prove your identity as well as a clear and precise description of your request/concern.

We will process requests in accordance with the legislative framework and the statutory time scales and inform you should an extension of time be necessary.

## Access:

Individuals can find out if we hold any personal information by making a 'subject access request' under the Data Protection Act 2018. If we do hold information about you, we will:

- Give you a description of it.
- Tell you why we are holding it.
- Tell you who it could be disclosed to; and
- Let you have a copy of the information in an intelligible form.

To make a request to any personal information we may hold you need to put the request in writing to our contact address provided further below.

## Rectification & Erasure:

You may request that we rectify or delete any of your personal information if you consider it is incomplete, factually incorrect, processed unlawfully or, is unnecessary or no longer needed.

## Objection:

You may object, at any time, to your personal information being processed.

This applies to processing:

- Carried out in performance of our statutory functions or in the public interest, including 'profiling'
- For direct marketing purposes

## Restriction of Processing:

You may request restriction of processing (quarantining) of your personal information for reasons such as, for example:

- If you have objected to the processing or asked us for erasure and we need time to consider your request and let you know our decision
- You require us to retain your information for the establishment, exercise or defence of your own legal rights

## Data Portability:

In defined circumstances, either where the processing relies on your consent or arises out of a legal contract, you may request we supply a copy of personal information that you have provided to us in a portable and machine-readable format.

## Right to Withdraw Consent / Opt-Out

NHS Digital is developing a new system to support the national data opt-out that will give users more control over how identifiable health and care information is used. This will effectively opt out of confidential patient information being used for reasons other than their individual care and treatment. It will be available from October 2020.

To read more visit the website <https://digital.nhs.uk/services/national-data-opt-out-programme>

## Complaints (ICO)

If you are not satisfied with the way we have answered a request from you or handled your personal information, you have the right to make a complaint to the Information Commissioner

<https://ico.org.uk/global/contact-us/>

This right is not dependent on you raising a complaint with us first but we would encourage you to contact us so we can consider your concerns as quickly as possible.

## Updates

We may update or revise this privacy notice at any time so please refer to the version published on our website for the most up to date details.