

Out of Hours GP Service Privacy Notice – Whitby

Nimbuscare have been commissioned to provide an out of hours GP service on behalf of Humber Teaching NHS Foundation Trust (the Trust) This privacy notice explains each providers role and what we do with your personal data.

WHO IS NIMBUSCARE?

Nimbuscare is a not-for-profit organisation providing NHS and private services, delivering local healthcare to local people. Nimbuscare works collaboratively with stakeholders delivering innovative and sustainable health care services. As providers in healthcare our goal is to support improvements in population health and patient experience by integrating across the health and care system.

Nimbuscare act as the data controller for records saved on their electronic healthcare record for out of hours service activity. Nimbuscare have a responsibility to you and will only collect and use your personal data in ways which are compliant with data protection legislation.

NIMBUSCARE DATA PROTECTION OFFICER (DPO)

Nimbuscare have appointed an external NHS approved Data Protection Officer. They are contactable via the Corporate Affairs Team, who alongside the DPO are responsible for ensuring Nimbuscare are compliant with Data Protection Legislation.

Paul Couldrey
Acomb Garth,
2 Oak Rise,
York, North Yorkshire,
YO24 4LJ
01904 943 690
Nimbuscare.feedback@nhs.net

Nimbuscare's privacy notice can be found [here](#).

WHY ARE WE COLLECTING YOUR INFORMATION?

This Privacy Notice has been written to inform you that Nimbuscare processes information about you in order to provide health care services. Your clinical care team and other health and care professionals caring for you, keep records about your health and any treatment and care you receive from the NHS. These help ensure that you receive the best possible care from us.

We may also use information to:

- Review the care we provide to ensure it is of the highest standard and quality
- Ensure our services can meet service user needs in the future
- Investigate service users' queries, complaints and legal claims
- Prepare statistics on the service performance

WHO DO WE COLLECT YOUR INFORMATION FROM?

Much of the information we use will be collected directly from you or your family members. We also use information received from:

- General Practitioners

- Other NHS bodies
- Other Care Providers, such as private sector providers
- Ambulance trusts

WHAT INFORMATION ARE WE COLLECTING?

- Basic information about you, such as name, address, date of birth, NHS number and next of kin details
- Notes and reports about your health and any treatment and care you need
- Details and records about the treatment and care you receive

WE MAY ALSO PROCESS SPECIAL CATEGORIES OF INFORMATION THAT MAY INCLUDE:

- Nationality, racial and/or ethnic origin
- Religious or philosophical beliefs
- Health information: e.g. results of x-rays, scans and laboratory tests
- Notes and reports about your health, treatment and care.
- Sex life or sexual orientation

WHAT IS OUR LAWFUL BASIS FOR PROCESSING YOUR INFORMATION?

Any personal data we process is done so in accordance with the UK GDPR. The Health and Social Care Act 2012 and the Care Act 2014 are the laws that tell us we have to keep records about the care and treatment you receive. Our lawful basis for processing are:

- Article 6(1)(d) Vital Interests: processing is necessary in order to protect the vital interests of the data subject or of another natural person
- Article 6(1)(e) Public Task: the processing is necessary to perform a task in the public interest, or our official functions, which have a clear basis in law.

WHERE WE PROCESS YOUR SPECIAL CATEGORY INFORMATION OUR LAWFUL BASIS ARE:

- Article 9(2)(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
- Article 9(2)(h) Health and Social Care purposes; Schedule 1, Part 1 (c) medical diagnosis, (d) the provision of health care or treatment, or (f) the management of health care systems or services or social care systems or services.
- Article 9(2)(i) The processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or high quality and safety of health care and medicinal products or devices.

We do not need your consent to use your personal information for the delivery of direct care because we have a public task to do this. We use personal information because it is necessary for us to use this to carry out our activities as an NHS organisation.

HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHSE – [Records Management Code of Practice for Health and Social Care](#)

WHO DO WE SHARE YOUR INFORMATION WITH?

We will share information with the following main partner organisations:

- Other NHS trusts, hospitals that are involved in your care
- other NHS bodies
- General practitioners (GPs)

You may be receiving care from other service providers as well as the NHS, for example Social Care Services. We may need to share some information about you with them so we can all work together for your benefit as part of your care.

Therefore, we may also share your information with:

- Social Care services
- Local Authorities
- We also share with National Auditing bodies

SHARING INFORMATION WITHOUT CONSENT

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- Where there is a serious risk of harm or abuse to you or other people;
- Safeguarding matters and investigations
- Where a serious crime, such as assault, is being investigated or where it could be prevented;
- Notification of new births;
- Where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS);
- Where a formal court order has been issued;
- Where there is a legal requirement, for example if you had committed a Road Traffic Offence.

DO WE TRANSFER YOUR INFORMATION OUTSIDE THE UK?

The majority of the information we collect is held in the UK. In some circumstances we may transfer your information outside of the UK, for example where servers are held in the EU. We will take all reasonable steps to make sure your data is not processed in a country that the UK government does not see as 'safe'. If we do need to send your data out of the EU we will ensure that necessary safeguards are in place.

WHAT RIGHTS DO YOU HAVE OVER YOUR DATA?

Under GDPR data subjects have the following rights in relation to the processing of their personal data:

- to be informed about how we process your personal data. This notice fulfils this obligation
- to request access to your personal data that we hold, and be provided with a copy of it
- to request that your personal data is amended if inaccurate or incomplete
- to request that your personal data is erased where there is no compelling reason for its continued processing
- to request that the processing of your personal data is restricted
- to object to your personal data being processed

Nimbuscare are responsible for managing your rights requests. To put in a Subject Access Request please contact:

Nimbuscare.feedback@nhs.net

If you have any concerns about the way we have handled your personal data or would like any further information, please contact the Patient Liaison Team at Nimbuscare via the feedback email address noted above.

You can also speak to a member of the team directly by calling 01904 943 690 or by using the [contact us](#) link on the Nimbuscare website where you will also find a copy of the Feedback, Complaints and Compliments Policy.

If you feel we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO is the regulator for data protection and offers independent advice and guidance on the law. You can do so by contacting:

**First Contact Team
Information Commissioner's Office
Wycliffe House Water
Lane Wilmslow
Cheshire
SK9 5AF
casework@ico.org.uk // 0303 123 1113**

CHANGES TO THIS DOCUMENT

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact us:

**Nimbuscare Ltd
Acomb Garth,
2 Oak Rise,
York, North Yorkshire,
YO24 4LJ**

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