



Nimbuscare Privacy Notice

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KLOES		<i>Effective, Safe, Well Led, Responsive</i>	
This document is controlled. If you would like to suggest amendments to this document, please contact the document author.			

INTRODUCTION

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 Limited is a collaboration of 11 GP Practices from across York:

1. Dalton Terrace
2. Elvington Medical Practice
3. Front Street Surgery
4. Haxby Group
5. Jorvik Gillygate
6. MyHealth
7. Old School Medical Practice
8. Pocklington Group Practice
9. Priory Medical Group
10. Unity Health
11. York Medical Group

Nimbuscare do not have a patient list, your Registered GP Practice holds your medical patient record, and they obtain your consent before sharing information with Nimbuscare to access our service. Where a service is accessed separately to your GP, consent is given at the point of access/ Nimbuscare only accesses patient data for the purpose of patient care or delivery of contracted services.

WHY DO WE PROVIDE THIS PRIVACY NOTICE?

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store, and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact Nimbuscare.

The main things the law says we must tell you about what we do with your personal data are:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold about you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

WHAT IS A PRIVACY NOTICE?

A privacy notice (or 'fair processing notice') explains the information we collect about our patients and how it is used. Being open and providing clear information to patients about how an organisation uses their personal data is an essential requirement of the new UK General Data Protection Regulations (UK GDPR).

Under the UK GDPR, we must process personal data in a fair and lawful manner. This applies to everything that is done with a patient's personal information. This means that the organisation must:

- Have lawful and appropriate reasons for the use or collection of personal data
- Not use the data in a way that may cause harm to the individuals (e.g., improper sharing of their information with third parties)
- Be open about how the data will be used and provide appropriate privacy notices when collecting personal data
- Handle personal data in line with the appropriate legislation and guidance
- Not use the collected data inappropriately or unlawfully

WHAT IS FAIR PROCESSING?

Personal data must be processed in a fair manner – the UK GDPR says that information should be treated as being obtained fairly if it is provided by a person who is legally authorised or required to provide it. Fair processing means that the organisation has to be clear and open with people about how their information is used.

This organisation manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in England such as the Department of Health and Social Care (DHSC) and the General Medical Council (GMC).

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- [Data Protection Act 2018](#)
- [Human Rights Act 1998](#)
- [Health and Social Care Act 2012](#)
- [Common Law Duty of Confidentiality](#)
- [NHS Codes of Practice for handling information in health and care](#)
- [Information: To Share or Not to Share Review](#)

This means ensuring that your personal confidential data (PCD) is handled clearly and transparently and in a reasonably expected way.

The Health and Social Care Act 2012 changed the way that personal confidential data is processed so it is important that our patients are aware of and understand these changes and that you have an opportunity to object and know how to do so.

The healthcare professionals who provide you with care maintain records about your health and any NHS treatment or care you have received (e.g., NHS Trust, GP surgery, walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be processed electronically, on paper or a mixture of both and we use a combination of working practices and technology to ensure that your information is kept confidential and secure.

WHO IS THE DATA CONTROLLER?

This organisation is registered as a data controller under the Data Protection Act 2018. Our registration reference is ZA439119 and our registration can be viewed online in the public register at www.ico.gov.uk. This means we are responsible for handling your personal and healthcare information and collecting and storing it appropriately when you are seen by us as a patient.

We may also process your information for a particular purpose and therefore we may also be data processors. The purposes for which we use your information are set out in this privacy notice.

LEGAL JUSTIFICATION FOR COLLECTING AND USING YOUR INFORMATION

The law says we need a legal basis to handle your personal and healthcare information.

Contract: We have a contract to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

Consent: Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us this needs to be done via your GP practice.

Necessary care: Providing you with the appropriate healthcare, where necessary. The Law refers to this as 'protecting your vital interests' where you may be in a position not to be able to consent.

Law: Sometimes the law obliges us to provide your information to an organisation.

SPECIAL CATEGORIES

The law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

Public Interest: Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment

Consent: When you have given us consent

Vital Interest: If you are incapable of giving consent, and we have to use your information to protect your vital interests (eg if you have had an accident and you need emergency treatment)

Defending a claim: If we need your information to defend a legal claim against us by you, or by another party

Providing you with medical care: Where we need your information to provide you with medical and healthcare services

ANONYMISED INFORMATION

Sometimes we may provide information about you in an anonymised form. Such information is used to analyse population-level health issues and helps the NHS to plan better services. If we share information for these purposes, then none of the information will identify you as an individual and cannot be traced back to you.

THIRD PARTY PROCESSORS

To enable us to deliver the best possible services, we will share data (where required) with other NHS bodies such as hospitals. In addition, the organisation will use carefully selected third party service providers. When we use a third-party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties include:

- Companies that provide IT services and support, including our core clinical systems, systems that manage patient facing services (such as our website and service accessible through the

same), data hosting service providers, systems that facilitate appointment bookings or electronic prescription services and document management services etc.

- Further details regarding specific third-party processors can be supplied on request to the data protection officer as below.

MAINTAINING YOUR CONFIDENTIALITY AND ACCESSING YOUR RECORDS

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the UK General Data Protection Regulations (which is overseen by the Information Commissioner's Office), Human Rights Act, the Common Law Duty of Confidentiality and the NHS Codes of Confidentiality and Security. Every staff member who works for an NHS organisation has a legal obligation to maintain the confidentiality of patient information.

All of our staff, contractors and locums receive appropriate and regular training to ensure they are aware of their personal responsibilities and have legal and contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and this is strictly on a need-to-know basis. If a sub-contractor acts as a data processor the organisation, an appropriate contract (Article 24-28) will be established for the processing of your information.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e., life or death situations) or where the law requires information to be passed on and/or in accordance with the information sharing principle following Dame Fiona Caldicott's information sharing review (Information to share or not to share) where "The duty to share information can be as important as the duty to protect patient confidentiality."

This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles.

Our organisational policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the UK General Data Protection Regulation (UK GDPR) and all UK specific data protection requirements. Our policy is to ensure all personal data related to our patients will be protected.

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the organisation in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative requirement.

At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt out prior to any data processing taking place.

NATIONAL OPT-OUT FACILITY

The national data opt-out programme affords patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used solely for their individual care and treatment or also used for research and planning purposes.

NHSE have provided a document titled [Understanding the national data opt-out](#).

Patients who wish to opt-out of data collection can register a national data opt-out. Further reading can be found at this NHSE webpage titled [Setting or changing a national data opt-out choice](#). This includes information regarding children and their privacy.

This organisation has proved compliance by publishing the organisational privacy notice and submitting the Data Security and Protection Toolkit assessment.

Further information about opting out can be found in the NHS England webpage titled [Make a choice about sharing data from your health records](#).

PATIENT COMMUNICATION

We may contact you using SMS texting to your mobile phone should we need to notify you about appointments and other services that we provide to you involving your direct care. This is to ensure we are sure we are contacting you and not another person. As this is operated on an 'opt-out' basis we will assume that you have given us permission to contact you via SMS if you have provided your mobile telephone number. Please let the organisation know if you wish to opt-out of this SMS service. We may also contact you using the email address you have provided to us.

SAFEGUARDING

Nimbuscare is dedicated to ensuring that the principles and duties of safeguarding adults and children are consistently and conscientiously applied with the wellbeing of all at the heart of what we do.

Our legal basis for processing for UK General Data Protection Regulation (UK GDPR) purposes 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...'*

Safeguarding information such as referrals to safeguarding teams is retained by this organisation when handling a safeguarding concern or incident. We may share information accordingly to ensure a duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals (i.e., the mental health team).

WHERE DOES NIMBUSCARE STORE YOUR INFORMATION ELECTRONICALLY?

All the personal data we process is processed by our staff in the UK; however, for the purposes of IT hosting and maintenance, this information may be located on servers within the European Union.

No 3rd parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place such as a Data Processor as above). We have a Data Protection regime in place to oversee the effective and secure processing of your personal and or special.

WHO ARE OUR PARTNER ORGANISATIONS?

We may also have to share your information, subject to strict agreements on how it will be used,

with the following organisations;

- NHS Trusts / Foundation Trusts
- Your registered GP
- Primary Care Networks
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Integrated Care Boards
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSD)
- Multi-Agency Safeguarding Hub (MASH)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors' which you will be informed of

You will be informed who your data will be shared with and in some cases asked for consent for this to happen when this is required.

COMPUTER SYSTEM

Nimbuscare operates a Clinical Computer System on which NHS Staff record information securely. This information can then be shared with other clinicians so that everyone caring for you is fully informed about your medical history, including allergies and medication.

PATIENT COMMUNICATION

Because we are obliged to protect any confidential information, we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up to date details. This is to ensure we are sure we are actually contacting you and not another person. As this is operated on an 'opt out' basis we will assume that you give us permission to contact you via SMS if you have provided us with your mobile telephone number. Please let us know if you wish to opt out of this SMS service. We may also contact you using the email address you have provided to us. Please ensure that we have your up to date details.

There may be occasions where authorised research facilities would like you to take part in research. Your contact details may be used to invite you to receive further information about such research opportunities.

AUDIT

Auditing of clinical notes is done by this organisation as part of its commitment to the effective management of healthcare whilst acting as a data processor.

Article 9.2.h is applicable to the management of healthcare services and “permits processing necessary for the purposes of medical diagnosis, provision of healthcare and treatment, provision of social care and the management of healthcare systems or services or social care systems or services.” No consent is required to audit clinical notes for this purpose.

Furthermore, compliance with Article 9(2)(h) requires that certain safeguards are met. The processing must be undertaken by or under the responsibility of a professional subject to the obligation of professional secrecy or by another person who is subject to an obligation of secrecy.

Auditing clinical management is no different to a multi-disciplinary team meeting discussion whereby management is reviewed and agreed. It would be realistically impossible to require consent for every patient reviewed that is unnecessary. It is also prudent to audit under Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 17: Good Governance.

MEDICINES MANAGEMENT

Nimbuscare may conduct Medicines Management Reviews of medications prescribed to patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. The reviews are carried out by the ICBs Medicines Management Team under a Data Processing contract with Nimbuscare

SHARED CARE RECORDS

To support your care and improve the sharing of relevant information to our partner organisations (as above) when they are involved in looking after you, we will share information to other systems. You can opt out of this sharing of your records with our partners at anytime if this sharing is based on your consent.

SHARING YOUR 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.

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 2023](#) for health and social care and national archives requirements.

HOW CAN YOU ACCESS, AMEND AND MOVE THE PERSONAL DATA WE HOLD?

Even if we already hold your personal data, you still have various rights in relation to it. To get in touch about these, please contact us. We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

Right to object: If we are using your data and you do not agree, you have the right to object. We will respond to your request within one month (although we may be allowed to extend this period in certain cases). This is NOT an absolute right sometimes we will need to process your data even if you object.

Right to withdraw consent: Where we have obtained your consent to process your personal data for certain activities (for example for a research project, or consent to send you information about us or matters you may be interested in), you may withdraw your consent at any time.

Right to erasure: In certain situations (for example, where we have processed your data unlawfully), you have the right to request us to "erase" your personal data. This request should be sent to your GP Practice who will contact Nimbuscare and respond your request within one month (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply. If we do agree to your request, we will delete your data but will need to keep a note of your name/ other basic details on our register of individuals who would prefer not to be contacted. This enables us to avoid contacting you in the future where your data are collected in unconnected circumstances. If you would prefer us not to do this, you are free to say so.

Right of data portability: If you wish, you have the right to transfer your data from us to another data controller. Please speak to your registered GP practice for help with this.

ACCESS TO YOUR PERSONAL INFORMATION

Data Subject Access Requests (DSAR): You have a right under the Data Protection legislation to request access to view or to obtain copies of what information Nimbuscare holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to Nimbuscare (For information from a hospital or other Trust/ NHS organisation you should write direct to them.
- There is no charge to have a copy of the information held by Nimbuscare about you
- We are required to provide you with information within one month
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified, and your records located information we hold about you at any time.

WHAT SHOULD YOU DO IF YOUR PERSONAL INFORMATION CHANGES?

If your personal information changes, you would need to contact your registered GP Practice who can update your details, this cannot be done via Nimbuscare directly. Your registered GP practice will then update your record with any changes. This is especially important for changes of address or contact details (such as your mobile phone number), Nimbuscare will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date. If changes are required, we will ask you to contact your GP.

THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD

Sometimes we record information about third parties mentioned by you to us during any consultation, or contained in letters we receive from other organisations. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that

references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself.

OUR WEBSITE

The only website this Privacy Notice applies to is the Nimbuscare's website. If you use a link on Nimbuscare's page to access other websites, then you will need to read their respective Privacy Notice. We take no responsibility (legal or otherwise) for the content of other websites.

Nimbuscare's website uses cookies. For more information on which cookies we use and how we use them, please see our Cookies Policy.

CCTV RECORDING

CCTV is installed at Acomb Garth Community Care Centre, covering both the external area of the building and the internal area excluding consulting rooms. Images are held to improve the personal security of patients and staff whilst on the premises, and for the prevention and detection of crime. The images are recorded onto an integral hard drive of the equipment and are overwritten on a rolling basis. Viewing of these digital images is controlled by Nimbuscare in accordance with the cctv Policy – please see the contact us page on our website to request a copy.

TELEPHONE SYSTEM

Our telephone system records all telephone calls. Recordings are retained for up to three years and are used periodically for the purposes of seeking clarification where there is a dispute as to what was said and for staff training access to these recordings is restricted to named senior staff.

WHAT TO DO IF YOU HAVE ANY QUESTIONS

Should you have any questions about our privacy policy or the information we hold about you, you can:

1. Contact the organisation via email at Nimbuscare.feedback@nhs.net
2. Write to the Data Protection Officer (DPO) Paul Couldrey
3. Ask to speak to the Corporate Affairs Team via 01904 943 690

OBJECTIONS / COMPLAINTS

If you are unhappy with any element of our data processing methods, please contact the Patient Liaison Team in the first instance.

Email: Nimbuscare.feedback@nhs.net
01904 943690

If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

The ICO can be contacted on <https://ico.org.uk> and select "Raising a concern" or telephone: 0303 123 1113.

The ICO is the regulator for data protection and offers independent advice and guidance on the law

If you are happy for your data to be used for the purposes described in this privacy notice, then you do not need to do anything. If you have any concerns about how your data is shared, then please contact Nimbuscare.

CHANGES:

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 Nimbuscare.