

1. Introduction .....	1
2. Purpose.....	1
3. Scope.....	1
5. Roles and responsibilities.....	1
6. The policy.....	2
7. Review .....	5
8. Relevant legislation, national guidance, associated documents.....	6

## 1. Introduction

Schoen Clinic London is committed to protecting and respecting patient privacy. Schoen Clinic fully complies with data protection legislation, and is committed to developing and improving systems and processes of handling confidential patient information.

## 2. Purpose

This Patient Data Privacy Policy sets out the basis on which we collect and process personal data about patients' including our practices regarding the collection, use, storage and disclosure of personal data that we collect from patients' and/or hold about patients', and patients' rights in relation to that data under the Data Protection Act 1998 and General Data Protection Regulations (Regulation (EU) 2016/679).

## 3. Scope

This policy applies to all medical, nursing and allied health staff, including temporary staff working in Schoen Clinic London, and to all patients of Schoen Clinic London.

## 4. Definitions

This policy refers to the suite of systems that Schoen Clinic London uses to collect healthcare information that form part of a patient's health care records which include (but are not limited to) electronic health record, electronic images, pathology records, documentation in paper format.

## 5. Roles and responsibilities

### 5.1 Data Protection Officer

It is the responsibility of the Data Protection Officer to ensure that robust systems and processes are in place to protect patients' confidential information.

### 5.2 Caldicott Guardian

It is the responsibility of the Caldicott Guardian to ensure that staff handle confidential patient information in accordance with ethical and legal standards of practice.

The Caldicott Guardian will:

Author: Oldham,Crissi; Approved by: Homm, Raymar; Approval date: 25.05.2018

Relevant to professional group	Clinical Services; Medical Professional; Other services	Relevant to department:	Central Areas; Dietetics; Functional Area; Imaging; Medical; Pharmacy; Therapeutics
--------------------------------	---	-------------------------	---

**Patient Data Privacy Policy**

- Provide advice and guidance on appropriate use of patient information, particularly where confidential patient information may be disclosed to third parties
- Ensure that confidentiality issues are appropriately reflected in LON's policies and procedures for staff
- Ensure the Caldicott Principles are adhered to by all staff, at all times within LON organisation
- Complete training as necessary for this role

**5.3 Administrative staff including Medical Secretaries**

5.3.1 It is the responsibility of the administrative staff and medical secretaries to inform patients of their rights under this policy, to provide an explanation to the patient of what information we hold about them, who we share it with, and for what purpose, and to obtain patient consent for sharing their data on the patient registration form.

**5.4 Senior Nursing Team**

It is the responsibility of the senior nursing team to support administrative staff and patients in providing explanations to patients about how we share their data, and the rationale for sharing data with medical professionals.

**6. The policy****6.1 What personal data may we collect from patients?**

When we refer to personal data in this policy, we mean information that can or has the potential to identify patients as an individual.

Accordingly, we may hold and use personal data about patients' or in any other capacity, for example, when patients' visit one of our websites, complete a form, access our services or speak to us, this may include sensitive personal data such as information relating to patients' health.

Personal data we collect from patients' may include the following:

- information given to us when become a patient including name, address, contact details (including email address and phone number)
- the name and contact details (including phone number) of next of kin
- notes and reports about health and any treatment and care patients' have received and/or need, including about clinic and hospital visits and medicines administered
- patient feedback and treatment outcome information provided
- information about complaints and incidents
- information given to us when a payment is made to us, such as financial or credit card information

Where patients' have named someone as their next of kin and provided us with personal data about that individual, it is the patients' responsibility to ensure that that individual is aware of and accepts the terms of this Patient Data Privacy Policy.

The data that we request may include sensitive personal data. This includes information that relates to the mental or physical health or racial or ethnic origin (which may include children's data). By providing us with sensitive personal data, explicit consent is given to process this sensitive personal data for the purposes set out in this Patient Data Privacy Policy.

## 6.2 How do we use personal data?

Personal data will be kept confidential and secure and will, unless agreed otherwise, only be used for the purpose(s) for which it was collected and in accordance with this Privacy Policy, Data Protection Act 1998 and General Data Protection Regulations (Regulation (EU) 2016/679), clinical records retention periods and clinical confidentiality guidelines.

Sensitive personal data related to health will only be disclosed to those involved with treatment or care, or in accordance with UK laws and guidelines of professional bodies or for the purpose of clinical audits (unless the patient objects). Further details on how we use health related personal data are given below.

We will only use sensitive personal data for the purposes for which the patient has given us their explicit consent to use it. Please note that, although we have set out the purposes for which we may use personal data below, we will not use sensitive personal data for those purposes unless patients' have given us explicit consent to do so.

## 6.3 Disclosure of personal data

Schoen Clinic London is legally required to provide hospital performance data to the Private Healthcare Information Network (PHIN), which publishes information on the quality and cost of privately funded healthcare.

PHIN's goal is to help patients make more informed choices about where to go for treatment.

With patient consent the data supplied to PHIN may include, postcode and NHS number, CHI Number (Scotland), Health & Care Number (Northern Ireland) or, in the case of patients from outside the UK, a suitable equivalent identifier. Patients will be required to provide their NHS number to Schoen Clinic London when they register for treatment with us. NHS numbers are stored securely in the patients' health record on Schoen Clinic London's patient administration system, ECH. Any processing of personal data shall be made in accordance with the Data Protection Act 1998 and General Data Protection Regulations (Regulation (EU) 2016/679).

PHIN receives the NHS Numbers (or their equivalent) for each record of care and passes a list of them to the relevant information authorities (e.g. NHS Digital), where a check is made for any related emergency hospital admissions or deaths occurring within a short time period (e.g. 30 days from discharge). The only way to identify these related instances of treatment is using an NHS Number (where one exists) as it is the link between the treatments received at Schoen Clinic London and any subsequent readmission to an NHS hospital.

PHIN states that it will not use a patient's NHS Number for any purpose other than producing important measures of performance on safety and quality as explained in this notice.

The information that will be made available through PHIN includes volumes of procedures undertaken, average lengths of stay for each procedure, mortality rates, infection rates (separating surgical-acquired and facility acquired infection rates), the number of patients readmitted to hospital following surgery, revision surgery rates, the number of patients transferred to an NHS hospital from a private hospital, as well as measures of patient satisfaction and measures of improvement in healthcare outcomes following treatment, as well as the frequency of adverse events.

Publication will be made via the PHIN website in a format that will allow patients requiring hospital treatment and their doctors to search for local private hospitals by procedure and to compare how they perform in terms of quality and safety based on treatment data. Individuals are then able to make

**Patient Data Privacy Policy**

informed choices; which Consultant to see, which treatment option to follow, and at which hospital to be treated.

Publishing information on the quality and safety of care for private hospital facilities offers a number of potential public interest benefits:

1. provide GPs with reliable information to inform their decisions about which providers to choose
2. help future patients make informed choices about where to seek treatment
3. enable providers of care (hospitals and consultant clinicians) to improve the quality and safety of their services by better understanding their performance by comparison with other providers
4. to support regulator information to help identify any causes of concern enabling them to target inspections and help ensure safer care for patients.

Schoen Clinic London will not supply patients' name, date of birth, or full address to PHIN. PHIN is only concerned with understanding the treatment that hospitals and doctors provide, whether that treatment was safe and effective, and whether there were any complications.

Patients' have the option to withhold their personal information, in which case we will only share an anonymised record of treatment to PHIN, but will not provide NHS Number (or equivalent) or postcode. On admission we will ask for consent to pass on NHS Number and Postcode to PHIN and patients are asked to select the relevant box on the patient registration / admission form.

With consent Schoen Clinic London will also share name, date of birth, gender, address and email with Amplitude Clinical Services Ltd, who process data on our behalf. Amplitude Clinical Services provides software to capture and manage clinical outcome data for a variety of treatment pathways. The software sends electronic questionnaires to patients' at defined intervals, and can be completed on PC's, tablets, or smartphones. Patient data will not be stored on PC's, tablets, or smartphones, but stored securely on a server that is in the United Kingdom. Amplitude Clinical Services abides by strict NHS Information Governance guidelines, Data Protection policies and has been penetration tested. Schoen Clinic London uses the Amplitude software for Consultants to monitor a patients' progress and add information about their health, treatment and subsequent recovery, to ensure the hospital is continuously improving its quality of service.

With consent Schoen Clinic London will also share name, date of birth, gender, address and email with British Spine Registry, and / or National Joint Registry (depending on the type of surgery).

The British Spine Registry (BSR) and National Joint Registry (NJR) aims to collect information about spinal surgeries and hip and knee surgeries across the UK. The registries allow outcomes to be assessed using questionnaires. These allow surgeons to see how much improvement has been made from treatment.

Sharing personal details and NHS number allows the registries to link together all of the questionnaires completed with the surgery that patients' have had with Schoen Clinic London, and any post-operative complication that they may have had. The BSR and NJR will treat personal details confidential at all times and will be kept secure. The data is controlled by the British Association of Spine Surgeons (BASS) and National Joint Registry (NJR) respectively and is held outside the NHS. Both BASS and NJR ensure that personal data is removed before any data analysis is made. Personal data will not be available to anyone outside of BASS, NJR and their secure IT providers.

Personal data is very important in allowing the registries to link questionnaires with surgery, and any complications, to form a complete data set of expert reported and patient reported outcomes to enable quality improvement of the care provided to patients.

Patients' will be asked to complete a separate consent form to participate in submission of personal data to the BSR / NJR, which will be given to patients' on arrival.

Schoen Clinic London may also share information about patients with our medical professionals, as we think necessary and relevant in the course of providing patients' with safe care and treatment. Medical professionals working with us include our employees, independent Consultants, Imaging service provider (INHealth Group) who carry out on site imaging services including X-ray, CT scans and MRI scans, laboratory provider (The Doctors Laboratory) who provides pathology and laboratory services, and The London Clinic who supply us with blood products if needed in the course of treatment, our pharmacy provider (Lloyds) who provide our medicines and pharmacy service, and Monmouth Partners Clinical Coding Consultants who ensure accurate clinical coding, invoicing and claims for diagnosis and treatment relating to a patients' condition. In the case of independent consultants, imaging providers, laboratory services, blood product supplier, and clinical coder, the consultant, imaging provider, laboratory service, blood service provider and clinical coder are the data controller of personal data, either alone or jointly with us and will be required to maintain their own records in accordance with Data Protection Laws and applicable clinical confidential guidelines and retention periods. Where that is the case, we may refer patients to the independent consultant or to our imaging or laboratory provider to exercise their rights over their data. Our agreements with consultants and our contracts with our imaging and laboratory providers require them to cooperate with those requests. In all circumstances, those individual consultants and our imaging provider will only process personal data for the purposes set out in this Privacy Data Privacy Policy or as otherwise notified to patients.

In the event of an emergency and a patient is incapacitated, Schoen Clinic London may refer that patient externally for treatment, and we may also process their personal data (including sensitive personal data) or make personal data available to third parties on the basis of protecting a patient's 'vital interest' (i.e.their life or their health). In this case we will share with the person or organisation that we refer a patient to, the clinical and administrative information we consider necessary for safe care and treatment. It will always be clear when we do this.

Schoen Clinic London may also share data about treatment, its clinical indication and its cost with insurers if patients' are privately insured and their insurer is paying all or part of the treatment costs. We only provide the information to which they are entitled. If a patient raises a complaint or a claim we may be required to share personal data with their medical insurer for the purposes of investigating any complaint/claim.

#### **6.4 CCTV**

The premises of Schoen Clinic London are also monitored by CCTV for the purposes of security. Images and videos may be retained for a limited period.

Schoen Clinic London ensures all the information it holds is kept safe and confidential

### **7. Exercising patient rights**

If a patient wants to exercise their rights in respect of personal data, they may do so by contact the Data Protection Officer in writing. In order to protect privacy, we may ask patients" to prove their identity before we take any steps in response to such a request.

## **7. Review**

This policy is reviewed every 3 years from the date of publication or sooner should any relevant changes to practice are required to be included and/or implemented.

## **8. Relevant legislation, national guidance, associated documents**

### Legislation

General Data Protection Regulations (Regulation (EU) 2016/679)

Data Protection Act 1998

Health and Social Care Act 2008 Regulations 2014, Regulation 17: Good governance