

Privacy Notice for Patients

About The Forbury Clinic

The Forbury Clinic is the trading name of Berkshire Health Limited, registered office Wilson House, Waterberry Drive, Waterlooville, Hampshire, United Kingdom, PO7 7XX. Company Registration Number 07238700. Registered in England & Wales.

Berkshire Health Limited (BHL) is registered with the Information Commissioner's Office, registration number Z274620.

To provide you with high quality and safe care we must keep medical records about you, your health and the care and treatment we have provided, or plan to provide, to you.

Under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 strict principles govern our use of data and the duty to ensure it is kept safe and secure. We have appropriate security measures to protect your personal data and everyone working at the Clinic is subject to the common law duty of confidentiality. Your data will only be processed or shared where there is a lawful basis to do so.

BHL is a wholly owned subsidiary of Genesis Cancer Care UK Limited (GenesisCare) and for the purposes of data protection legislation BHL jointly controls your data with your consultant and together we determine the means and purpose of processing your information for your care and treatment.

The GenesisCare privacy notices can be found at: www.genescare.com/uk/privacy-notices

This privacy notice

This privacy notice applies to any person who asks about or uses our services. It provides you with information about the data we collect about you, how we process and protect the personal information which we collect about you, from you and from third parties, so that you can be confident that the information is being used safely and in ways that are reasonably expected. It explains what rights you have in respect of your personal information.

You will find relevant contact details at the foot of this webpage should you have any queries.

The type of personal data we process

In order to provide you with healthcare services we process personal data and special category personal data as defined under GDPR.

- Personal data means any data which could identify a person, directly or indirectly, for example, identified by a name, a reference number, date of birth, etc.
- Special category personal data is data where extra safeguards apply to the processing of such data, for example, details relating to health.

In many cases we anonymise or pseudonymise your information before we share it with others, or where we do not require the data to be in identifiable form.

- Anonymisation is the process of turning data into a form which does not identify individuals and where identification is not likely to take place.
- Pseudonymisation is the processing of information in such a way that it can no longer be attributed to you without the use of additional information and where that additional information is kept separately. This allows for a much wider use of the information for statistical or other purposes.

What data do we collect?

We will keep records about your health and any treatment and care you receive. Your record may be in a paper format, electronic, or a mixture of both. The record may include:

- Basic details about you such as name, address, date of birth and next of kin
- Your contact details, such as telephone number(s), email address
- An emergency contact / next of kin
- Family details, lifestyle and social circumstances, and sex life where relevant to your care
- Your ethnicity or race and genetic information where relevant to your care
- Your GP details
- Relevant information from other healthcare professionals
- Contact we have had with you, such as appointments and surgery
- Letters about your health, symptoms and any treatment you have received
- Sensitive information relating to your health including sex life, sexual orientation, religion, race, ethnicity and genetic information
- Results of investigations, such as x-rays, scans, other images, laboratory tests
- Diagnoses made, procedures carried out, medications prescribed
- Clinic or hospital discharge letters
- Details of your insurance company
- Details of any consent to treatment or processing of data
- Financial information, such as credit card details used to pay us.

Communicating with you

We may ask how you wish us to communicate with you when you register, for example we may ask if you wish us to leave voice messages, send SMS texts and/or write to you by email. You can change your mind at any time, please let us know.

It is important that you tell us immediately if your contact details have changed.

Please note that we cannot be held responsible should you change your contact number, home or email address and not advise us. Equally we cannot be held responsible for onwards use or transmission of a text message after you have received it.

Please note that we cannot guarantee the security of your information when you send an email to us.

We will only send confidential health information to your email address if you have consented.

Who do we collect data from?

Data about you is provided from the following sources:

- Directly from you

- Healthcare professionals
- Third parties

Directly from you

Information may be collected directly from you to support your direct care and treatment. This information can be collected when:

- You register, for example when you book an appointment by telephone
- You use our services
- You submit a query to us by email
- You correspond with us by letter, email, telephone (calls from/to patients may be recorded for the purposes of staff training, customer service development and quality improvement) or social media, including where you reference BHL in a public social media post
- You take part in our marketing activities.

Healthcare professionals

In order to provide you with the best possible care, we collect personal information about you from other healthcare professionals. These can include:

- Records from your GP
- Records from other healthcare providers who have previously provided treatment to you, (this can include both private organisations and the NHS)
- Information from service providers in relation to diagnostics and the provision of specialist care and treatment.

Third parties

By registering with the clinic, you consent to your medical history from your previous practice(s) being sent to the clinic at your request. The provision of this information is optional but could be essential in some circumstances in order for us to offer the best medical treatment and care.

We may also collect information about you from third parties when:

- We liaise with other current or former healthcare service and support providers
- We liaise with your next of kin, emergency contact or family
- We communicate with your medical insurance policy provider
- You have given your consent to discuss alternative healthcare services
- We instruct debt collection agencies
- We communicate with government agencies such as social and welfare organisations where it is legally required for the safety of the individual concerned, for example safeguarding.

What is your data used for?

We use ('process') your personal data for a number of different purposes, but in all cases we must have a lawful basis for its use. When we use special category data we must have a specific additional lawful basis to do so.

To provide healthcare services

We are required to keep records about you, your health and your treatment to provide you with safe, effective and efficient healthcare services.

The admin team use your information to make appointments for you, to obtain test results and to electronically store the data. The admin team will only access your medical history and information if it is required to carry out their specific job role and task.

If you have provided your email address, we may communicate with you in this way or send referrals by email to medical professionals who are involved in your medical treatment who may then communicate with you by email.

At all times the staff will protect your personal data in a way which complies with data protection legislation and best practice.

Payment and accounting

This is necessary to enable us to provide you with healthcare and treatment and to fulfil our contract with you for the provision of such care. We use your personal information to ensure our accounting and invoicing activities are accurate and up-to-date. We have an appropriate business need to use your information which does not overly prejudice you. This supports the provision of your healthcare and is necessary for us to establish, exercise or defend our legal rights.

Clinical Audit

We are accountable for ensuring that safe clinical and operational practices are implemented and maintained. We undertake regular audits of compliance to ensure the delivery of standards of treatment, for quality assurance, to ensure services can meet patient needs in the future and to assess adherence to policy and procedure.

Transferring your records in connection with any sale, transfer, or disposal of our business

If we were to sell or transfer a centre or part of our business to another organisation, your patient records would also transfer to the new owner. Limited information may also be shared, where required, with legal and other professional advisors involved in that transaction. Your records would be transferred to minimise the disruption to current and past patients caused by the sale or transfer and to ensure that we and a new owner were able to comply with our legal obligations regarding the retention of patients' and other clients' medical records and to ensure continuity of care.

Management of business operations

We have an appropriate business need to use your information which does not overly prejudice you and the use is necessary for us to comply with our legal obligations. In the event that we use special categories information about you for this purpose, it would be because the use is necessary for the provision of healthcare or treatment or the management of healthcare services and systems or the use is necessary to establish, exercise or defend legal claims.

Sharing information

We will keep information about you confidential and will only disclose any information with third parties if it is in your interests to do so and when we are sure that the party with whom we are sharing information is a medical practitioner with whom you have already shared personal information or have agreed to share your medical records with. For

example, we might give your mobile phone number to a hospital which wishes to contact you about an appointment which has been made for you.

With your written or verbal consent, we will share information about you with a carer or next of kin.

Information shared with solicitors is only done so when we are sure you have given your express consent.

Where the cost of your treatment and care is covered by insurance, we share your information with your insurer or the administrator of the applicable scheme of insurance. Both BHL and your insurer are controllers of this personal information. This means that each of us individually may determine the means and the purpose of any processing of the information we hold.

Generally, we share information in order to allow each other to exercise rights or comply with obligations under the healthcare services arrangement we have in place, and in the case of the insurer, to manage claims and administer the schemes for insured members.

Specifically, your information may be used in the following shared activities:

- The provision of clinical quality information
- The pre-authorisation of treatment on your behalf
- Invoicing for services provided
- The notification of any serious incidents
- Assisting and cooperating in the investigation of any member complaints
- Allowing your insurer to inspect and audit our facilities

You may exercise your rights against either BHL or your insurer where we are both controllers of the same information for the same processing purpose. Where we independently hold further information, or process information for purposes in addition to the shared purposes stated above, you should direct any communication concerning your rights to the applicable holder/processor.

Information will be shared with legal agencies and the police on production of a court order or if by not doing so the practice would be breaking the law.

GenesisCare UK

BHL is a wholly owned subsidiary of GenesisCare and where we collaborate on certain uses of your data for the purposes of Data Protection Legislation we are a joint controller of your data with GenesisCare. For example:

- The accounting function: GenesisCare UK finance department has access to our systems in order to ensure the accounting and invoicing activities are accurate and up-to-date.
- The audit management function: Anonymised data will be used by GenesisCare UK and BHL to monitor and manage activity data to manage services and ensure we can meet patient needs in the future.
- Incident reporting: In the unlikely event of a data protection breach GenesisCare UK Data Protection Officer and relevant managers will liaise as necessary. All incidents are reported on and managed via the Datix system.

The GenesisCare privacy notice can be found on the GenesisCare website:

www.genescare.com/uk/

Lawful Basis for Processing

Our legal justification for processing your Personal Data will fall into the categories below:

- Necessary for you to receive healthcare services
- Necessary to fulfil our contract with you for the provision of care and treatment
- Necessary to comply with the law – This applies where we have a legal or regulatory obligation to use your personal data
- Necessary for our legitimate interests – This means where our business interests justify us using your information and that business need does not impact unjustly on your rights
- You have provided your consent to our use of your personal data

Our legal justification for processing your Special Category Personal Data will fall into one of the categories below:

- Necessary for the purposes of preventive medicine, for medical diagnosis and the provision of health or social care or treatment
- You have given your explicit consent for one or more specified purposes
- Necessary to protect your vital interests or the vital interests of another person
- Necessary for reasons of public interest in the area of public health
- Necessary for archiving purposes in the public interest, scientific research or statistical purposes
- Necessary to establish, exercise or defend legal claims

Consent as a lawful basis

If we ask for your consent to use your personal data you do not have to agree to the request if you do not want to. It will not affect your care. Where you do consent you have the right to withdraw your consent at any time by contacting your healthcare professional or our DPO (contact details can be found at the foot of this privacy notice) and we will stop using your personal data for that purpose.

How long do we keep your personal information for?

We retain information in accordance with our legal obligations and national best practice. We ensure compliance through regular auditing and ensure information is securely disposed of when it has reached the end of its retention period. We implement data retention periods for different categories of personal data and/or different processing purposes, including where appropriate, archiving periods. We will only keep your personal information for as long as reasonably necessary in order to support patient care and continuity of care; support evidence-based clinical practice and to assist clinical and other audits; to support our legitimate business interests and to comply with our legal and regulatory requirements.

If you require further information please contact our DPO, details can be found at the foot of this privacy notice.

We do not retain credit card information.

Your Rights

Under data protection law you have a number of specific rights in relation to the personal data that we hold about you. These include the right to 'be informed', that is, to know what information we hold about you and how it is used and this privacy notice provides you with that detail.

Under certain circumstances you have the right to:

- Request access to your personal data (commonly known as a “subject access request”). This enables you to receive a copy of the personal data we hold about you and details of how we are using it. Further information can be found below.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected, subject to clinical records management standards.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below). There may be a legal or other reason why we need to retain your data, for example, we would never delete healthcare data, and if this is the case we will tell you. If you make such a request and we comply with it, please be aware that we will retain a note of your name, the request made and the date we complied with it.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground, for example direct marketing.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it. When processing is restricted, we are permitted to store the personal data, but not further process it other than in relation to the establishment, exercise or defence of legal claims or for reasons of important public interest. We can retain just enough information about you to ensure that the restriction is respected in future.
- Request the transfer of your personal data to another party. The data portability right only applies where the lawful basis for processing is consent or for the performance of a contract and processing is by automated means.
- Automated decision-making: You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making in our data processing scenarios.
- Withdraw consent – In some cases to comply with data protection legislation we need your consent in order to use your personal information. Where we rely on this, you have the right to withdraw your consent to our continuing and further use of your personal information. You can do this by contacting our DPO whose details are at the foot of this privacy notice.

We will not usually charge for handling a request to exercise your rights and if we cannot comply with your request to exercise your rights we will usually tell you why.

Subject Access Request or SAR

You (or your representative) can request a copy of the personal data we hold about you and details about how we use it. Your information will be provided to you in writing, unless otherwise requested. If you have made the request electronically (e.g. by email) the information will be provided to you by electronic means where possible. Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you.

The information will normally be provided free of charge and, unless there are grounds for extending the statutory deadline, the information will be provided to you within one month of receipt of your request.

We may ask for confirmation of your identity and may need further information from you to locate the information.

Securing your data

We have implemented appropriate technical and organisational security to protect your personal information both in transit and at rest. This includes:

- Ensuring our staff complete regular training
- Ensuring personal information is only accessible and shared with individuals that have a need to access it
- Implementing physical access controls within our facilities and technical controls such as encryption (which includes configurations to conform to the O365 NHS Digital Assessment)
- Using information about you that does not uniquely identify you, where appropriate
- Ensuring there are appropriate security measures in place to protect the data in accordance with data protection legislation
- All our staff sign confidentiality clauses in their contracts and are bound by the Common Law of Confidentiality; this means they have a legal duty to keep your information confidential and secure
- Using robust data sharing agreements or contracts based on “model contractual clauses” approved by the European Commission, obliging our processors to protect your personal information.

Please let us know us if you require further information about how we secure your data.

International transfers of your personal information

We are part of a global organisation and we (or third parties acting on our behalf) may store or process personal information within the GenesisCare group of companies for administrative and management purposes. The group companies are located in Spain and Australia and the United States. This processing is based on our own or a third party’s legitimate business interests.

As a global organisation GenesisCare may engage global suppliers for the provision of services to the GenesisCare group of companies and such suppliers may also be located outside the UK.

Where we transfer your personal data to a third country or international organisation, we will ensure adequate safeguards and measures are in place to protect your personal data from unlawful use and ensure your fundamental rights are capable of being upheld. We would normally achieve this by:

- Only transferring personal data to countries deemed capable of providing an adequate level of protection; or
- Implementing Standard Contractual Clauses; and
- Adopting technical, organisational and contractual measures, where required.

In certain situations, it may be possible to legitimise the transfer by relying on a derogation. For example, if:

- You have explicitly consented to the proposed transfer; or
- The transfer is necessary for the performance of a contract.

If your permanent address is outside the UK, or your treatment is continuing outside the UK, we may send details of your treatment to individuals specifically to promote your ongoing care.

In all cases any transfer of your personal information will be compliant with applicable data protection law. If you would like further information regarding the steps we take to safeguard your personal information when making international transfers, please contact the DPO using the details at the foot of this Privacy Notice.

Covid-19 Measures

BHL has put measures in place to ensure the safety of all patients and staff. Some consultations between doctors and patients will utilise 'telehealth' technology and patients may be invited to join a Zoom consultation or use FaceTime or WhatsApp. The relevant privacy notices can be found as follows:

Zoom: <https://zoom.us/privacy>

FaceTime: <https://support.apple.com/en-us/HT209110>

WhatsApp: <https://www.whatsapp.com/privacy/?lang=en>

We do not record consultations. Any notes taken during the consultation about your healthcare will be added to your medical record which is held securely on our patient system. The lawful basis for processing is:

- Your personal data: Legitimate Interest [GDPR 6(1)(f)] – the processing is necessary to support the continuity of care during the Covid-19 pandemic;
- Your special category data: Provision of Health and Social Care [GDPR 9(2)(h)].

Updates to this Privacy Notice

We may update this Privacy Notice from time to time to ensure that it remains accurate. In the event that these changes result in any material difference to the manner in which we process your personal data we will signpost you to the specific changes.

Information Commissioners Office (ICO)

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues, for example if you are unhappy with the way that we have dealt with a request from you to exercise your rights, or if you think we have not complied with our legal obligations.

Whilst you are not obliged to do so, we would appreciate you making us aware of any issue prior to notifying the ICO and giving us the opportunity to respond. Please contact the BHL DPO whose details are at the foot of this privacy notice.

Making a complaint will not affect any other legal rights or remedies that you have.

Information Commissioner's Office, at casework@ico.org.uk, or at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or telephone 0303 123 1113 (local rate call). Website: <https://ico.org.uk/>

Questions and queries

If you have any queries or would like to exercise your rights or to establish whether any rights apply to you, please contact:

- The healthcare professional who is involved in your care, or
- Abby Morgan, Clinic Manager: 23 Craven Road, Reading, RG1 5LE, or email abby.morgan@theforburyclinic.co.uk, or

Data Protection

If you have any questions about this privacy notice or how we handle your personal data please contact the DPO:

- Data Protection Officer: BHLdpo@genesiscare.co.uk or telephone 07956 616 414