

## PRIVACY NOTICE

The Personal Health Commissioning team at NHS Dorset Clinical Commissioning Group processes data to administer funding applications for NHS Continuing Healthcare, which includes:

- NHS Adult Continuing Healthcare
- Funded Nursing Care
- Interim Funding
- Fast Track
- Children's and Young Person's Continuing Care
- Section 117 and Named Patients
- Acquired Brain Injuries

NHS Dorset Clinical Commissioning Group is the Data Controller for this process.

The Data Protection Officer for NHS Dorset Clinical Commissioning Group is Paddy Baker who can be contacted on: 01305 368900.

### Lawful Basis for Processing

The legal basis for processing personal data for an application for Personal Health Commissioning is 'the consent of the data subject' (GDPR Article 6.1[a]). To enable an application to be processed, the applicant must consent to the use and sharing of their personal information.

GDPR Article 6.1[e]: 'The process is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.'

GDPR Article 9.2(h): 'Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care treatment or the management of health or social care systems and services on the basis of Union or Member State law.'

### Purposes of the Processing

The Personal Health Commissioning assessment process (including retrospective applications) is a process involving the collection of personal information to support and evidence current and retrospective applications for health funding. This information is required to determine eligibility for funding throughout the various stages of the process:

- Stage 1. The initial assessment process;
- Stage 2. Decision outcome:
  - Positive - proceed to commissioning care or offering a Personal Health Budget; or
  - Negative – appeal the decision
- Stage 3. Appeal not supported – final appeal can be made to the
  - Parliamentary and Health Service Ombudsman and / or NHS England.

During these stages, your information may be used by the NHS Dorset Clinical Commissioning Group to

- make decisions about eligibility for Personal Health Commissioning funded services;
- make arrangements to provide and pay for funding packages, if agreed, with appointed care providers, which will include sharing data with Local Authorities to source care;
- communicate eligibility decisions to those involved in the care of the individual;
- undertake regular reviews and enable ongoing discussions about the management of the care to take place;
- share with NHS and Local Authority staff, in the process of determining eligibility for NHS Continuing Healthcare funding.
- share with NHS England and the applicant to enable Independent Reviews to take place as part of the Local Review of Eligibility process;
- share with the Parliamentary and Health Service Ombudsman as part of the complaints process to enable complaints to be addressed;
- share in an anonymised format for audit purposes to improve services and provide assurance to NHS England the service is being delivered in accordance with the National Framework for Continuing Healthcare;
- share with commissioned providers tasked with carrying out activity on behalf of NHS Dorset Clinical Commissioning Group.

### **Personal Information Required**

The type of personal information we will collect to support the above process includes:

- personal details such as name, address, email address, telephone numbers, date of birth, NHS number;
- contact details for next of kin, legal representative, registered GP, placement provider;
- relevant health, social care and nursing home records.

Records will be stored securely in accordance with data protection requirements.

### **Sources of Information**

The above information will be obtained from:

- acute and community hospitals;
- community NHS services;
- social services/local authorities;
- primary care services, including GPs;
- care/nursing home providers;
- domiciliary care providers;
- other CCGs
- specialist NHS service providers.

Your personal information may also be shared between these different organisations involved in your care as part of the process to determine eligibility for funding.

### **Retention**

The CCG will keep this personal information in accordance with the retention times set out in the Records Management Code of Practice for Health and Social Care 2016, and local records retention policies.

### **Withdrawal of Application**

You may withdraw your application at any time by writing to the Continuing Healthcare Team at the address overleaf; in this case, NHS Dorset Clinical Commissioning Group will close the application and document the request for withdrawal.

### **Access to your Information**

Detail on your rights under the Data Protection Act, including how to access a copy of your personal information, can be found on our website: [www.dorsetccg.nhs.uk/ccg/info/your-rights](http://www.dorsetccg.nhs.uk/ccg/info/your-rights)