

## 1. Definitions

**GDPR:** General Data Protection Regulation

**Personal data:** Any information relating to an identifiable individual such as your name, NHS number, contact details. It can also be location data or an online identifier.

**Special categories of personal data are defined as:** Racial or ethnic origin, politics, religious or philosophical beliefs, trade union membership, genetics and biometrics (where used for identification) information concerning your health, sex life or sexual orientation.

## 2. Who are we?

This website is owned and operated by Virgin Care Limited in conjunction with its subsidiaries (Virgin Care Services Limited, VH Community Services Limited and Virgin Care Provider Services Limited) and a number of Limited Liability Partnerships that operate under Virgin Care LLP's,). Each of these organisations is a registered Data Controller for the purposes of the General Data Protection Regulation (GDPR), Privacy of Electronic Communications Regulation (PECR) and Data Protection Act 2018, which will be referred in this policy as "privacy legislation".

Virgin Care Limited, its subsidiary companies and the Virgin Care LLPs are part of the Virgin Group and provide NHS services. For the purposes of this privacy notice, Virgin Care Limited and, its subsidiaries and the Virgin Care LLPs will be known as 'Virgin Care'.

If you have any comments or queries in connection with our Privacy Policy or would like more information about how your health record is managed, please request this from service or contact the Data Protection Officer (Head of Information Governance):

- by sending an email to [Information.governance@virginicare.co.uk](mailto:Information.governance@virginicare.co.uk)
- call +44 (0) 1928 242942
- write to: The DPO (Head of Information Governance), Virgin Care, 6600 Daresbury Business Park, Warrington, Cheshire WA4 4GE.

For the purposes of the privacy legislations, the data controller for this website is Virgin Care Limited (registered company number 5466033) of 6600, Daresbury Business Park, Daresbury WA4 4GE.

## 3. Web site - Privacy Notice

### How we use your information.

We take the privacy of our website users seriously. This Privacy Policy tells you what to expect when Virgin Care collects personal information through this website. It applies to information we collect about:

- Visitors to our website

When you provide information to us via this website we will store this data and hold it on a computer and/or in hard copy form. We will use this data to provide you with the services for which you have registered with us and for the purposes described in this statement including, where relevant, marketing, administration, development and improvement of this website.

### **The information we collect for visitors to our website**

In order to provide you with a range of services, we may collect personal information from this website, from written information sent to us and from other communications. We may for example, keep a record of your name, mailing address, email address, telephone number, preferences and any other information you provide to us or is collected by us. We may supplement the information that you provide to us with information that we receive or obtain from other sources.

When you visit our website we collect standard internet log information and details of visitor behaviours. This is statistical data only which we collect in order to find out the numbers of visitors to the site and the pages visited. The information is collected in such a way that does not identify individuals and we do not make any attempts to identify visitors this way.

Where we do collect personal information on the site, this will be made obvious to you through the relevant pages.

### **Web server log files**

IP addresses are used by your computer every time you are connected to the Internet. Your IP address is a number used by computers on the network to identify your computer. IP addresses are automatically collected by our web servers so that data (such as the web pages you request) can be sent to you.

Web server log files are used to record information about our site, such as system errors. Log files do not contain any personal information or information about other sites which you have visited.

### **Use of Cookies**

A cookie is a string of information that a website stores on a visitor's computer, and that the visitor's browser provides to the website each time the visitor returns. This helps us to distinguish you from other visitors to our web site. The following lists the cookies used on this web site.

Google – Google Analytics

\_ga

\_gid

These cookies help tell us understand how many people have been to the site before, what time people visited the site and what pages were looked at.

### **Find out more about cookies**

For more information about cookies, including how to view the cookies that have been set and how to manage or delete them, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org) .

## Sharing of your information

We may give information about you (on the understanding that such information will be kept confidential) to employees and agents of Virgin Care to administer any accounts, products and services provided to you by Virgin Care now or in the future. Otherwise we may disclose information about you to third parties:

Where we have a duty to do so or if the law permits or requires us to do so; and to anyone to whom we transfer or may transfer our rights and duties under our agreement with you.

## Your rights

Under privacy legislation you have rights to:

- Right to be informed
- Right to access to your information, we process (Subject Access Request)
- Right to rectification
- Right to erasure
- Right to object an automated decision
- Right to portability

In most cases, there is no fee for a subject access request, but this may vary if the information is about your health records or health reports.

If you have a request in relation to your rights, please click [here](#)

## Use of your information outside the European Economic Area

We may need to transfer your personal information to, and store it in, countries outside the European Economic Area which may not protect your personal information as extensively as the United Kingdom. If we do so we will ensure that an agreement is in place with anyone to whom we pass your information to ensure that your data is treated securely and in accordance with this Privacy Policy. By submitting your personal information, you agree to this transfer, storage and processing.

## Security

We take the security of your personal data very seriously. Technical and organisational controls have been designed and implemented to protect the personal information that we hold about you. These controls have been designed to prevent unauthorised access to your personal data. However, due to the inherent security risk of providing information and dealing online, we cannot guarantee the security of any data you disclose online. Therefore, you recognise that your use of our website is entirely at your own risk.

## Links to other websites

Please be aware that our site may link to other websites which may be accessed through our site. If you follow a link to any of these websites, please note that they will have their own cookies and privacy policies. We do not accept any responsibility or liability for the privacy and security practices of such third party websites and your use of such website is entirely at your own risk.

## 4. Health and Social Care information Privacy Notice

We will not collect information about your health through this website. However, we have records for you in delivering health and social services on behalf of BaNES local authority.

The information is stored on both paper and computer systems. Your records will include basic information such as your address, ethnic group and next of kin. They may also contain facts about your health, including appointments and test results. They may also contain information based on the professional opinion of the staff caring for you.

### Why do we collect and process personal information about you?

The staff caring for you need to collect and maintain information about your health, treatment and care, so that:

- Staff and external providers caring for you have accurate, up to date information to help them decide the best possible care and treatment for you
- To make sure the care delivered to you is timely and of high quality
- To be able to review your care when concerns are raised or if you have a complaint
- To comply with Virgin Care's legal requirements

### What information we process and how do we obtain it?

Personal information about you is processed in a number of ways. When you sign up for any of our services we might be given access to your existing health or social care record or we might create a new one.

Changes or updates in your personal record can be collected directly from you or your authorised representative, health or care notes from our staff, other 3rd parties or hospitals.

Once you register with us, we make sure that we have up to date basic '**personal data**' about you:

- Name, title, address and other contact details, date of birth, ethnicity, marital status, occupation, NHS number and contact details including next of kin or carer details
- Power of Attorney, advocate or carer information

In addition to the above we may also hold more sensitive personal data and information relating to your health and wellbeing and social care support and interventions, called '**special category data**' which could include:

- Medical conditions – past and current
- Results of laboratory tests and investigations – blood test results, scan results, X-rays, biopsy samples,
- Health and Social care plans
- Information about equipment or supplies that might be required for your care and/or recommendations for special arrangements at home
- Sexual history including partners, sexual orientation where relevant
- Religions or beliefs where it is relevant to the care you are receiving
- Next of kin, carers and family information

- Lifestyle information – alcohol consumption, smoking, sports practiced, dietary requirements
- School information and information about your family health or social history
- Images and recordings
- Any incidents, alerts, complaints
- Child and/or adult safeguarding concerns or protections in place
- Any special needs or preferences for receiving information
- Preferences about why of contact or other personal preferences

## Legal basis for processing your information:

In order for Virgin Care to legally process your information a ‘lawful basis’ needs to be identified. Data protection law recognises the difference between personal data and that of a more sensitive nature known as special categories of data; such as racial or ethnic origin, political opinions, religious beliefs, trade union activities and physical or mental health.

Our legal basis for processing your **personal information** falls under one of the following legal bases:

- Performance of a task carried out in the public interest or in the exercise of official authority
- Necessary for a legal obligation or such as responding to a request from a coroner
- Legitimate Interests of providing and managing health and care services to our patients, service users and clients, when getting in touch for available courses and new services

Our legal basis for processing **special category data** falls under one of the following legal bases:

- The provision of health or social care
- Social protection law for safeguarding purposes.
- Where it is necessary to protect your vital interests when you are physically or legally incapable of providing consent
- Where processing is necessary for reason of public interest in area of public health – prevention of cross boarder threats for health
- For archiving purposes in the public interest

Therefore, Virgin Care does not require your consent to process your personal data. However, you do have the right to say “no” to our use of your information but this could have an impact on our ability to provide you with care. [Click this link for more information regarding opting out of us using your information.](#)

## How we use and share your information:

When we look after you we need to have input from other professionals that are involved in your direct care or they might need information about you.

We may receive or share information about you in your best interests and to deliver the most appropriate and holistic care and support.

Here in BaNES we created a system to securely share basic information about you for all professionals and organisations involved in your care. That system is called **Integrated Care Record** and improves visibility of your health and care needs and speeds up the access to necessary care.

Other benefits for you include:

- If you are seeing someone in a clinical setting (such as in a clinic or a hospital) this may mean a reduction in assessments and tests. This is because health and social care professionals can see more information about your condition, and so it can potentially reduce delays to your treatment caused by a lack of information.
- In a social care setting this may mean a more joined up approach of the support you receive
- If you are at risk of being admitted into hospital we may be able to identify this more quickly and put support in place to avoid the medical need for you to be admitted.
- If you are in hospital, knowing the support you have in place normally may enable us to get you home more quickly.
- If you need support from an out-of-hours clinician they will now be able to know which other services are involved in your care. This means they are in a better position to provide support that is more customised to your specific needs.

The Integrated Care Record is only accessible via a professionals host system. This means they will only be able to access it from the system that they already record notes on in a secure environment. Individual user access is dependent on a professional's work role – their role defines which information they see.

The Integrated Care Record system that is being used in Bath and North East Somerset is supplied by Graphnet who provide a number of integrated care records systems, through their product Care Centric, across the UK. - <https://www.graphnethealth.com/solutions/shared-care-records/>

Only organisations, who are able to comply with the relevant privacy laws about information retention and security, are given access. Our partners and other recipients who have access through Integrated Care Record are:

- Commissioners, other health and care providers such as primary care services, local authorities, NHS trusts, pathology providers etc
- Prison service relating to prison healthcare
- Local Safeguarding Boards
- Regulators
- We may use trusted providers to host our IT, archiving, email and texting services and surveys
- We **may use corporate teams within the Virgin Care Group who provide 'back office' support on behalf of services** within our group such as communications and marketing, information governance, clinical governance and IMT.
- Police or other law enforcement agencies.

If you would like to know more about the Integrated Care Records programme in Bath and North East Somerset please contact us initially on [VCL.BathnesICR@nhs.net](mailto:VCL.BathnesICR@nhs.net) **0300 247 0200**

Or please write to us at Integrated Care Records Programme, Virgin Care, Kempthorne House, St Martins Hospital, Bath BA2 5RP

## How do you opt-out of sharing?

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt-out your confidential patient information will still be used to support your individual care.

### National Data Opt-out

You can choose whether your confidential patient information is used for research and planning. To find out more visit [nhs.uk/your-nhs-data-matters](https://nhs.uk/your-nhs-data-matters)

You do not need to do anything if you are happy about how your confidential patient information is used. You can change your choice at any time.

The following types of Opt Outs are being phased out this year and replaced by the National Data Opt-out. You can read more about it here.

**Type 1 opt-out:** medical records held at your GP Practice

You can also tell your GP Practice if you do not want your confidential patient information held in your GP medical record to be used for purposes other than your individual care. This is commonly called a type 1 opt-out. This opt-out request can only be recorded by your GP surgery.

**Type 2 opt-out:** information held by NHS Digital (now the National Data Opt-out)

Previously you could tell your GP surgery if you did not want, NHS Digital, to share confidential patient information that we collect from across the health and care service for purposes other than your individual care. This was called a type 2 opt-out.

From 25 May 2018 the type 2 opt-out has been replaced by the National Data Opt-out. Type 2 opt-outs that have been recorded previously have been automatically converted to National Data Opt-outs.

As of October 2018 the National Data Opt-out can only be set by NHS Digital and there are three options:

Online – via the following link:

<https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>

You must have an email address or mobile phone number registered with an NHS Service to use this method.

Telephone – via 0300 303 5678. The NHS Digital Contact Centre will verify your identity and discuss your data sharing choices. The Contact Centre may be able to guide you through the online service or set a choice on your behalf.

Print and post – if you are unable to use the online or telephone service, you can use a paper print-and-post form to set a choice instead via the following link:

[https://assets.nhs.uk/prod/documents/Non-Digital\\_Opt-Out\\_Form\\_v15.pdf](https://assets.nhs.uk/prod/documents/Non-Digital_Opt-Out_Form_v15.pdf)

## Marketing

We provide newsletters and other information to a wide range of groups within our service including individual involved with our Citizens' Panels, Carers Groups and volunteer networks.

In these circumstances we provide each group with detailed privacy notices about how their information will be used with options for changing preferences and fully opting out.

Opt out and preference change links are on all email contacts we send you.

## Legal basis

- We will rely on your consent to receive our newsletters and information about our services
- On occasions it may be in our legitimate interests to contact you with information about any new services that might be beneficial for you

## Candidates and Employee information

We have separate privacy notices held in our careers section. These are also issued to you if you apply for a vacancy or are successfully recruited into a role.

## Information retention

We keep your information in accordance with the national guidance: Records Management Code of Practice for Health and Social Care 2016, after which records and confidential information are securely destroyed in line with this code of practice

## 5. How do we keep your information secure?

We take the security of your personal data very seriously. We have operational policies and procedures in place to protect your information whether it is in hard copy or electronic format. We protect your information in the following ways:

**Training:** Staff are trained to understand their duty of confidentiality and their responsibilities regarding the security of patient data; this includes their mandatory annual training in data security and confidentiality to demonstrate they understand and are complying with Practice policies on confidentiality.

**Access Controls:** Any member of staff who has access to personal confidential data will have a username and unique password. This will reduce the risk of unauthorised access to your personal data and all access is auditable.

**Technical measures:** We complete due diligence and impose contractual obligations on our trusted providers and persons working under our instruction.

We have a duty to:

- Maintain full and accurate records of the care we provide to you.
- Keep records about you confidential and secure.
- Provide information in a format that is accessible to you.

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

- Data Protection Act 2018.
- General Data Protection Regulation 2016
- Privacy of Electronic Communication Regulation 2019
- Human Rights Act 1998.
- Common Law Duty of Confidentiality.
- NHS Codes of Confidentiality and Information Security.
- Health and Social Care Act 2015.
- And all applicable legislation.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if we reasonably believe that others involved in your care have a genuine need for it.

We will not disclose your information to any third party without an appropriate legal basis and there are exceptional circumstances (such as a risk of serious harm to yourself or others) or where the law requires information to be passed on.

## 6. How long do we keep your information?

Your personal information is held in both paper and electronic forms for specified periods of time as the NHS Records Management Code of Practice for Health & Social Care 2016 and National Archives requires. Please click on the link for the retention periods of the various medical records we hold. [Records retention schedules](#)

We usually retain health records for children **from discharge / service user last seen** until their 25<sup>th</sup> birthday (or if the patient was 17 at the conclusion of the treatment, until their 26<sup>th</sup> birthday). Care records with non-standard retention periods could be kept up to 30 years depending on the record type. Please consult the Records Management Code of Practice for Health and Social Care 2016 for more details on this, the link has been provided below.

These are the minimum times for which we keep information; we may keep it for longer if we believe doing so will be of benefit to you or we are not able to delete it due to a technical issue.

We have a duty to:

- Maintain full and accurate records of the care we provide to you
- Keep records about you confidential and secure

Further details can be found in **The Records Management Code of Practice for Health and Social Care 2016**. Please note that the independent inquiry into Child Sexual Abuse (IICSA) has requested that large parts of the health and social care sector to not destroy any records that are, or may fall into, the remit of the inquire. Therefore Virgin Care is currently not destructing any children's records until further notice (please consult the website [www.iicsa.org.uk](http://www.iicsa.org.uk) for more details).

## 7. CCTV

We have installed CCTV systems in our premises for the purposes of public and staff safety and crime and prevention and detection. CCTV is also installed on the outside of our buildings for the purposes of monitoring building security and crime prevention and detection.

In all locations, signs are displayed notifying you that CCTV is in operation and providing details of who to contact for further information.

Images captured by CCTV will be deleted 30 days after the CCTV footage was taken. However, on occasions there may need to be a need to keep images for longer, for example where a crime is being investigated.

As the rest of your information, you have the right to see CCTV images of yourself and be provided with a copy of the images. If you wish to request a copy of the CCTV recording you can find how at the end this privacy notice under section Your Rights – Subject Access Requests.

## Your rights

Data Protection laws provides you with the following rights:

- **The right to be informed** - As a data controller, we are obliged to provide understandable and transparent information about the way we process your data (this is provided by our privacy policy).
- **The right of access (Subject Access Request)** - You are entitled to request a copy of the personal data we hold about you. Information about how to access your records can be found on our Information Governance page on our website
- **The right to rectification** - You are entitled to request changes to information if it is inaccurate or incomplete
- **The right to erasure** - Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data.
- **The right to restrict processing** - Under certain circumstances, you may ask us to stop processing your personal data. We will still hold the data, but will not process it any further.
- **The right to data portability** - Subject to certain conditions, you may request a copy of your personal data to be transferred to another organisation.
- **The right to object to processing** - You have the right to object to our processing of your data where processing is based on legitimate interest;
  - ✓ **Processing is for the purpose of direct marketing;**
  - ✓ **Processing is for the purposes of scientific or historic research;**
  - ✓ **Processing involves automated decision-making and profiling.**

Please note that the above rights may not apply in all circumstances but we will respond within a month of any requests.

If you would like to exercise your rights or if you have any questions or concerns about the information we hold on you, please contact our Data Protection Officer by one of the following options:

Via our [secure privacy portal](#)

Email: [information.governance@virginicare.co.uk](mailto:information.governance@virginicare.co.uk)  
Tel: 01928 242942  
Post: FAO Head of Information Governance & Data Protection Officer  
Virgin Care  
6600 Daresbury Business Park  
Warrington  
WA4 4GE

If you are not happy about the way your information is handled, you have the right to lodge a complaint with a supervisory authority. In the UK, this is the Information Commissioners Office (ICO).

<https://ico.org.uk/global/contact-us/>

Notification of changes - We may occasionally modify our Privacy Notice. When this happens we will publish details on this web page (see date at top of page). We will not however significantly change how we use information you have already given to us without your prior agreement.