



Fair Processing Notice CBC Health Ltd

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CBC Health Ltd is made up of the following divisions/services:

- Human Resources
- Finance
- Governance
- Healthcare
 - Urgent Primary Care Service
 - Pharmicus
 - Bureau
 - GP Federation
 - CBC Trading

INTRODUCTION

This notice tells you what to expect CBC Health Ltd (CBC) to do with your personal information when you make contact with us or use one of our services.

It sets out:

- What types of personal data we hold
- Why we are able to process your information
- The purpose we are processing it for
- How we may use that information in the course of our business and to provide our services
- Who we may share it with and why
- How we keep personal information secure
- Your data protection rights

CBC will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

KEY DEFINITIONS

Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers CBC possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

This notice, together with information contained in CBC's Information Asset Register, constitutes a privacy/fair processing notice, setting out the information CBC holds, the purpose for which this data is held and the lawful bases on which it is held. CBC may process personal information without your knowledge or consent, in compliance with this notice, where this is required or permitted by law.

If the purpose for processing any piece of data should change, CBC will update the information asset register with the new purpose and the lawful basis for processing the data and will update the Fair Processing Notice accordingly.

FAIR PROCESSING PRINCIPLES

All personal information is held and processed in accordance with the General Data Protection Regulation (GDPR) and all other relevant legislation and guidance.

In processing personal data, the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely.

PURPOSE FOR PROCESSING

Personal information will only be processed when there is a lawful basis for doing so.

Most commonly, CBC will use personal information in the following circumstances:

When it is needed:

- To process job applications;
- To perform staff members' contracts of employment;
- For financial/accounting purposes;
- For the investigation of complaints and incidents;
- To respond to an enquiry;
- To respond to a request for information;
- To sign you up to receive our newsletter;
- To book a meeting room;
- To register you for an online meeting;
- To provide healthcare services

Service users

Service users may be asked to complete a patient experience survey for contact they have had with our Urgent Primary Care out of hours services, although they do not have to respond to this. Where they have completed the survey, their response is logged for the purposes of service improvement. Responses will be logged anonymously unless a service user has provided their name and contact number to receive a response to their feedback. In these circumstances a record will be kept of their personal details, the feedback they wished to receive a response on, and the details of our response.

CBC may also use personal information in the following situations, which are likely to be rare:

- When it is necessary to protect staff members' interests (or someone else's interests); or
- When it is necessary in the public interest.

CBC may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- In order to meet legal obligations;
- For the provision of healthcare;
- When it is needed in the public interest, such as for equal opportunities monitoring, or in relation to the Pension Scheme (SPPA); or
- When it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, CBC may process this type of information where it is needed in relation to legal claims or where it is needed to protect an individual's interests and the individual is not capable of giving consent, or where an individual has already made the information available.

COLLECTION OF DATA

Most of the personal information we process is provided to us directly by you.

Human Resources

CBC will collect personal information about staff members through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. CBC may sometimes collect additional information from third parties including former employer. Information you provide in any job application. This includes name, address, telephone number, qualifications, and equality and diversity information such as gender, marital status, sexual preference, religion/belief, disability. During the shortlisting process the recruiting manager does not have access to any of the candidates sensitive personal data. Once candidates are shortlisted the recruiting manager will be able to see the candidates name and contact details which will enable them to invite the candidates to interview.

We do not collect more information than we need to fulfil our stated purposes and will not keep it longer than necessary. Our purpose for processing this information is to assess your suitability for a role you have applied for and to help us develop and improve our recruitment process. We will use the information you provide during the recruitment process to progress your application with a view to offering you an employment contract with us, or to fulfil legal or regulatory requirements as necessary.

Finance

Limited personal information may be required for the purpose of processing invoices received from individuals, which may include address and bank details. Invoices from companies do not contain personal information. The payroll systems include all relevant personal information for the purpose of processing. Financial information is only processed by the Finance Team, in accordance with this notice and any other relevant legislation.

Governance

We need information from you to enable us to investigate complaints and incidents properly, and to understand what has happened. A case file will be set up which will include your contact details and any other information you have given us about the other parties in your complaint. Our purpose is to investigate and respond to your complaint. No third parties have access to your personal information unless the law allows them to do so. However, if you have made a complaint that involves records held by another organisation, we usually have to disclose your identity to them in the course of obtaining any information relevant to the investigation of your complaint. We will always ask for your consent before requesting information about you from them. If you don't want information that identifies you to be shared with a third party, we'll try to respect that. However, it is not always possible to handle a complaint on an anonymous basis so we'll contact you to explain this. You may need to contact the other organisation separately if you do not consent to us seeking this on your behalf. If you are acting on behalf of someone making a complaint, we'll ask for information to satisfy us of your identity and if relevant, ask for information to show you have authority to act on someone else's behalf. Information relating to incidents and complaints is held by the Quality and Governance Team.

When you contact us to make an enquiry, we collect information, including your personal data, so that we can fulfil our responsibilities to respond to it.

To respond to a request for information, we need information from you to enable us to locate the information you are looking for. This enables us to comply with our legal obligations under the

legislation we are subject to. An electronic case file is set up containing the details of your enquiry which includes your contact details and any other information you have given us. We will also store information that falls within the scope of your enquiry. If you are making an enquiry about your personal data, or are acting on behalf of someone making such a request, then we'll ask for information to satisfy us of your identity. If it's relevant, we'll also ask for information to show you have authority to act on someone else's behalf. If the request is about information we have received from another organisation we will routinely consult the organisation/s concerned to seek their view on disclosure of the material. Alternatively you may need to approach them directly, and you will be advised if this is the case. Our purpose for processing your personal data is so we can fulfil your information request to us.

If you wish to sign up to our newsletter we only need your name and email address. You will receive a confirmation email once you have submitted your details and then newsletters periodically. Our purpose for collecting the information is so we can provide you with a service. You may opt out at any time by contacting us through our contact us page on our website <https://www.cbchealth.co.uk/contact> or by informing us by phone 0191 4977710.

To book a room for you we will need to process some personal information. Our purpose for processing this information is to enable us to make contact with you in relation to your booking arrangements.

To register for a remote meeting we will need an email address from you. The purpose for collecting this information is so we can provide you with the meeting details. We use Microsoft Teams for these meetings. This site uses non-essential cookies.

Healthcare

Your information is processed for the purposes of providing healthcare services from our healthcare divisions listed below:

- Urgent Primary Care Service
- Pharmicus
- Bureau
- GP Federation
- CBC Trading

Patient data is held in accordance with the General Data Protection Regulation (GDPR) and all other relevant legislation and guidance. A separate Fair Processing Notice is in place for Urgent Primary Care Services. [Urgent Primary Care Services Fair Processing Notice](#)

Information received indirectly

We also receive personal information indirectly, from the following sources in the following scenarios:

- Information is received from NHS Jobs for recruitment purposes. Personal information is only shared with the HR Team after the appointment stage. No personal information is shared with the recruiting manager during the shortlisting process. The information is processed in line with HR policies and procedures.

The information asset register includes details that relate to information we process. From time to time, CBC may collect additional personal information in the course of its business activities. If CBC requires to obtain additional personal information, this notice will be updated or a separate privacy notice will be created setting out the purpose and lawful basis for processing the data.

Visitors to our office

We meet visitors at our head office, including:

- External training providers;
- Meeting attendees;
- Job applicants;
- Suppliers and tradespeople;

We ask all visitors to sign in and out. A visitors' book is located in the foyer area. The purpose for processing this information is for security and safety reasons.

Visitors to our website

Please refer to our Website Privacy Notice on our website. [CBC Health Ltd Website Privacy Notice](#)

Telephone call recording

Telephone calls to some incoming and outgoing lines are recorded for training and monitoring purposes. These electronic sound files can provide useful information in the event of a complaint or claim. Such recordings must be made, stored and disclosed under the provisions of the relevant legislation and guidance (Records Management Code of Practice for Health and Social Care 2020 and NHS Resolution). Any recordings of conversations in Urgent Primary Care Services will be summarised in the electronic patient record at the time the patient is contacted. Recordings will be destroyed after 6 years unless there is an exemption prohibiting destruction, as legislation instructs.

CCTV

Closed-circuit television (CCTV) operates outside the building for security purposes. This is not operated by CBC, so we are not the data controller. This falls under the control of the building landlord.

LEGAL BASIS FOR PROCESSING OF PERSONAL DATA

We must have a legal basis for processing information under the General Data Protection Regulation (GDPR). The lawfulness of processing must fulfil one of the following from Article 6 of the GDPR:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;

- (e) processing 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;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

If the information we need to process contains special category data, such as health, religious or ethnic information, a lawful basis from Article 9 must also be met.

- (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes,
- (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....;
- (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- (d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- (e) processing relates to personal data which are manifestly made public by the data subject;
- (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- (g) processing is necessary for reasons of substantial public interest,
- (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 or treatment or the management of health or social care systems and services
- (i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,
- (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

For each different purpose that we process your information, a different legal basis applies. Here are some examples:

The Legal basis for the processing health data is covered under Article 6 (1)(e) of the General Data Protection Regulation where “processing 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” and Article 9 (2)(h) where “processing is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee medical diagnosis the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union Or Member State law or pursuant to contract with a health professional...”.

Where there is a need for information to be processed in the interests of the health and safety of others, for example to report an infectious disease such as meningitis or measles, the legal basis under GDPR is Article 6 (1)(c) ‘...for compliance with a legal obligation....’, and Article 9 (2) (h) as above.

Where consent from individuals is required the legal basis is Article 6 (1) (a), 'the data subject has given consent to the processing of his or her personal data for one or more specific purposes' and Article 9 (2) (a) ' the data subject has given explicit consent to the processing of those personal data for one or more specified purposes... '.

Where we process your information for the purpose of recruitment and subsequently the processing of your staff record, the legal basis is Article 6 (1) (b), 'necessary to perform a contract or to take steps at your request, before entering a contract' and Article 9 (2) (b), ' our obligations in employment and the safeguarding of your fundamental rights' as well as DPA (2018) Schedule 1 Part 1 (1). For the processing of applicant criminal convictions and offences we rely on DPA (2018) Schedule 1 Part 2 paragraph 6 (2) (a).

For the processing of payroll and invoicing the legal basis is Article 6 (1) (b), 'necessary to perform a contract or to take steps at your request, before entering a contract'. Although some invoices may include names, addresses and bank details, no special categories of data should be included in this type of processing.

Consent to data processing

CBC does not require consent to process most types of data. In addition, CBC will not usually need consent to use special categories of personal information in order to carry out legal obligations or exercise specific rights in the course of its official duties.

In circumstances where consent to the collection of data has been necessary, processing and transfer of personal information for a specific purpose, you have the right to withdraw consent for that specific processing at any time. Once CBC has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

If CBC makes an automated decision on the basis of any particularly sensitive personal information, you will be asked for explicit written consent unless processing is justified in the public interest. CBC will put in place appropriate measures to safeguard your rights. You will not be subject to decisions that will have a significant impact based solely on automated decision-making, unless CBC has a lawful basis for doing so and has given you prior notification.

RETENTION OF DATA

CBC will only retain personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the information asset register.

When determining the appropriate retention period for personal data, CBC will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether CBC can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances CBC may anonymise personal information so that it can no longer be associated with individuals, in which case CBC may use such information without further notice to individuals. After the data retention period has expired, CBC will securely destroy personal information.

We keep personal information for a specified time period according to the type of information it is. We will then dispose your information by deleting it from the computer network or shredding any information that is held in paper format.

DATA SECURITY AND SHARING

Data security

CBC has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are: hard copy personal data are kept in a locked cabinet and computerised personal data are password protected and backups taken are encrypted. Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on CBC's instructions and are subject to a duty of confidentiality. CBC expects staff members handling personal data to take steps to safeguard personal data in line with this notice. All staff are bound to a duty of confidentiality and receive annual training on how to do this.

We have a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing. This person is called the Caldicott Guardian. CBC's Caldicott Guardian is Kate Watson. We also have a Senior Information Risk Owner (SIRO) who is responsible for owning information risks. The SIRO is Gary Armstrong, Deputy Lead Pharmacist. They are supported by the Governance Board which meets quarterly to discuss information governance issues.

We are registered with the Information Commissioner's Office (ICO) as a data controller. A copy of our registration is available from the ICO's website by searching for our name.

Data sharing

CBC ensures that where external data processors are used to provide elements of services for us, they are legally and contractually bound to operate and prove security arrangements are in place where information that could or does identify a person is processed. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

In some circumstances we are legally obliged to share information. For example under a court order or where required in handling complaints or investigations. In any scenario we will satisfy ourselves that we have a lawful basis on which to share the information and document our decision making.

CBC requires third parties to respect the security of personal data and to treat it in accordance with the law. CBC may share personal information with third parties, for example in the context of the possible sale or restructuring of the business. CBC may also need to share personal information with a regulator or to otherwise comply with the law.

CBC may also share personal data with third-party service providers where it is necessary to administer the working relationship with staff members or where CBC has a legitimate interest in doing so. The following activities may in the future, be carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services.

CBC shares activity data with its commissioners for the purpose of service monitoring. This information is normally anonymised beforehand however in some instances the NHS number is shared in order to track the patient pathway from primary through to secondary care.

YOUR DATA PROTECTION RIGHTS

Accuracy of data

CBC will conduct regular reviews of the information it holds to ensure the relevancy of the information. Individuals/third parties are under a duty to inform CBC of any changes to their circumstances. Where an individual/third party has concerns regarding the accuracy of personal data held by CBC, they should contact CBC to request an amendment to the data.

Your rights

Under certain circumstances, you have the right to:

Your right of access - You have the right to ask us for copies of your personal information. (commonly known as a “data subject access request”).

Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the the right to object to the processing of your personal information in certain circumstances, where CBC is relying on a legitimate interest (or those of a third party) to lawfully process it.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

The lawful basis for your processing can affect which rights are available to you. For example, some rights will not apply:

	Right to erasure	Right to portability	Right to object
Consent			✗ but right to withdraw consent
Contract			✗
Legal obligation	✗	✗	✗
Vital interests		✗	✗
Public task	✗	✗	
Legitimate interests		✗	

If you wish to make a request on any of the above grounds, you should contact CBC in writing. Please note that, depending on the nature of the request, CBC may have good grounds for refusing it which will be dependent upon why we are processing your information. If that is the case, you will be given an explanation and our decision will be recorded.

Data subject access requests

You will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, CBC may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, CBC may refuse to comply with the request in such circumstances.

CBC may need to request specific information from you to help confirm your identity and ensure the right to access the information (or to exercise any of the other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

To request a copy of the records we hold on you please contact CBC.

COMPLIANCE WITH THIS NOTICE

The Company's responsibility for compliance

If you have any questions about this notice or how CBC handles personal information, you should contact us.

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.

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,

SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Email: casework@ico.org.uk

Visit the ICO website here <https://ico.org.uk/>

Data security breaches

CBC has put in place procedures to deal with any data security breach and will notify you and any applicable regulator of a suspected breach where legally required to do so. Details of these measures are: thorough investigation and significant event reporting.

In certain circumstances, CBC will be required to notify the Information Commissioner's Office of a data security breach within 72 hours of the breach. Therefore, if you become aware of a data security breach it is imperative that you report it to CBC immediately.

Privacy by design

CBC will have regard to the principles of this notice and relevant legislation when designing or implementing new systems or processes (known as "privacy by design").

Changes to this notice

We keep our fair processing notice under regular review to make sure it is up to date and accurate. If we make any changes we will post the updated notice on our website.

Last updated: April 2021