

**Dr. P. Thakker MRCP, FRCPCH, DCH**  
Consultant Paediatrician &  
Special Interest Paediatric Cardiologist

**PATIENT PRIVACY NOTICE**

**Executive summary**

1. As your child's treating clinician and therefore custodian of personal information relating to your child's medical treatment, I must only use that information in accordance with all applicable law and guidance. This Privacy Notice provides you with a detailed overview of how I will manage your child's data from the point at which it is gathered and onwards, and how that complies with the law. I will use your child's personal information for a variety of purposes including, but not limited to, providing your child with care and treatment, sharing it with other medical professionals and research/clinical audit programmes.
2. In addition, your child has a number of rights as a data subject. You can, for instance, seek access to your child's medical information, object to me using your child's information in particular ways, request rectification of any information which is inaccurate or deletion of information which is no longer required (subject to certain exceptions). This Privacy Notice also sets out your child's rights in respect of your child's personal information, and how to exercise them.
3. For ease of reference, this Notice is broken into separate sections below with headings which will help you to navigate through the document.

**Introduction**

1. This Privacy Notice sets out details of the information that I, as a clinician responsible for your child's treatment (and including my medical secretaries), may collect from you and how that information may be used. Please take your time to read this Privacy Notice carefully.

**About me**

2. In this Privacy Notice I use "I" or "mine" or "my" to refer to me as the clinician who is using your child's personal information.
3. In the event that you have any queries, comments or concerns in respect of the manner in which I have used, or potentially will use, your child's personal information then you should contact me directly and I would be happy to discuss further. My secretary can be contacted on 07516 922052.

**Your child's personal data**

4. I am a Data Controller in respect of your child's personal information which I hold about your child. This will mainly relate to your child's medical treatment, but will be likely to also include other information such as financial data in relation to billing. I must comply with the data protection legislation and relevant guidance when handling your child's personal information, and so must any medical secretary who

assists me in an administrative capacity. Your child's personal data may include any images taken in relation to your child's treatment which must not only be managed in accordance with the law, this Privacy Notice, but also all applicable professional standards including guidance from the General Medical Council and British Medical Association.

5. I will provide your child's treatment from a Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre and, in due course, it may be necessary for Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre to also process your child's personal data. I will do so in accordance with the law, the principles of this Privacy Notice and to the extent that it is necessary to do so. This could be where Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre needs to arrange other healthcare services as part of your child's treatment, such as nursing or dietician advice, or support other aspects of the treatment which I provide to your child. In that case, Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre will become a joint Data Controller in respect of your child's personal information and you will be provided with a copy of their Privacy Notice which sets out how they will manage that information.
6. Your child's personal information will be handled in accordance with the principles set out within this Privacy Notice. This means that whenever I use your child's personal data, I will only do so as set out in this Privacy Notice. From time to time, I may process your child's personal information at a non-Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre site (medical or non-medical), as may my medical secretary.

#### **What personal information do I collect and use from patients?**

7. I will use "special categories of personal information" (previously known as "sensitive personal data") about your child, such as information relating to your child's physical and mental health.
8. If you provide personal information to me about other individuals (including medical or financial information) you should inform the individual about the contents of this Privacy Notice. I will also process such information in accordance with this Privacy Notice.
9. In addition, you should note that in the event you amend data which I already hold about your child (for instance by amending a pre-populated form) then I will update our systems to reflect the amendments. Our systems will continue to store historical data.

#### **Personal information**

10. As one of my patients, the personal information I hold about your child may include the following:
  - a) Name
  - b) Contact details, such as postal address, email address and telephone number (including mobile number)
  - c) Financial information, such as credit card details used to pay us and insurance policy details
  - d) Occupation

- e) Emergency contact details, including next of kin
- f) Background referral details

### **Special Categories Personal Information**

11. As one of my patients, I will hold information relating to your child's medical treatment which is known as a special category of personal data under the law, meaning that it must be handled even more sensitively. This may include the following:
- a) Details of your child's current or former physical or mental health, including information about any healthcare your child has received from other healthcare providers such as GPs, dentists or hospitals (private and/or NHS), which may include details of clinic and hospital visits, as well as medicines administered. I will provide further details below on the manner in which I handle such information.
  - b) Details of services your child has received from me
  - c) Details of your child's nationality, race and/or ethnicity
  - d) Details of your child's religion
  - e) Details of any genetic data or biometric data relating to your child
  - f) Data concerning your child's sex life and/or sexual orientation
12. The confidentiality of your child's medical information is important to me, and I make every effort to prevent unauthorised access to and use of information relating to your child's current or former physical and mental health (or indeed any of your child's personal information more generally). In doing so, I will comply with UK data protection law, including the Data Protection Act 2018 and all applicable medical confidentiality guidelines issued by professional bodies including, but not limited to, the General Medical Council and the Nursing and Midwifery Council.
13. From 25 May 2018, the current Data Protection Act will be replaced by the EU General Data Protection Regulation (**GDPR**) and a new Data Protection Act. All uses of your child's information will comply with the GDPR and the new Data Protection Act from that date onwards

### **How do I collect your child's information?**

14. I may collect personal information from a number of different sources including, but not limited to:
- a) GPs
  - b) Dentists
  - c) Other hospitals, both NHS and private (including Spire/other independent provider)
  - d) Mental health providers
  - e) Commissioners of healthcare services
  - f) Other clinicians (including their medical secretaries)

### **Directly from you**

15. Information may be collected directly from your child when:

- a) You enter into a contract with me or Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre for the provision of healthcare services
- b) Your child uses those services
- c) You complete enquiry forms on the Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre website
- d) You submit a query to me including by email or by social media
- e) You correspond with me by letter, email, telephone or social media.

#### **From other healthcare organisations**

16. My patients will usually receive healthcare from other organisations, and so in order to provide you with the best treatment possible I may have to collect personal information about your child from them. These may include:

- a) Medical records from your child's GP
- b) Medical records from other clinicians (including their medical secretaries)
- c) Medical records from your child's dentist
- d) Medical records from the NHS or any private healthcare organisation

17. Medical records include information about your child's diagnosis, clinic and hospital visits and medicines administered.

#### **From third parties**

18. As detailed in the previous section, it is often necessary to seek information from other healthcare organisations. I may also collect information about your child from third parties when:

- a) Your child is referred to me for the provision of services including healthcare services
- b) I liaise with your child's current or former health professional or other treatment or benefit provider
- c) I liaise with your child's family
- d) I liaise with your insurance policy provider
- e) I deal with experts (including medical experts) and other service providers about services your child has received or are receiving from me
- f) I deal with NHS health service bodies about services your child has received or are receiving from us
- g) I liaise with credit reference agencies
- h) I liaise with debt collection agencies
- i) I liaise with Government agencies, including the Ministry of Defence, the Home Office and HMRC

#### **How will I communicate with you?**

19. I may communicate with you in a range of ways, including by telephone, SMS, email, and / or post. If I contact you using the telephone number(s) which you have provided (landline and/or mobile), and you

are not available which results in the call being directed to a voicemail and/or answering service, I may leave a voice message on your voicemail and/or answering service as appropriate, and including only sufficient basic details to enable you to identify who the call is from, very limited detail as to the reason for the call and how to call me back.

20. However:

- a) to ensure that I provide you with timely updates and reminders in relation to your child's healthcare (including basic administration information and appointment information (including reminders)), I may communicate with you by SMS and/or unencrypted email (where you have provided me with your SMS or email address) in each case where you have expressed a preference in the patient registration form to be contacted by SMS and / or email.
- b) to provide you with your child's medical information (including test results and other clinical updates) and/or invoicing information, I may communicate with you by email (which will be encrypted) where you have provided me with your email address and have expressed a preference in the patient registration form to be contacted by email. The first time I send you any important encrypted email that I am not also sending by post or which requires action to be taken, I will endeavour to contact you separately to ensure that you are able to access the encrypted email you are sent.

21. Please note that although providing your mobile number and email address and stating a preference to be communicated by a particular method will be taken as an affirmative confirmation that you are happy for us to contact you in that manner, I am not relying on your consent to process your child's personal data in order to correspond with you about your child's treatment. As set out further below, processing your child's personal data for those purposes is justified on the basis that it is necessary to provide you with healthcare service.

#### **What are the purposes for which your child's information is used?**

22. I may 'process' your child's information for a number of different purposes, which is essentially the language used by the law to mean using your child's data. Each time I use your child's data I must have a legal justification to do so. The particular justification will depend on the purpose of the proposed use of your child's data. When the information that we process is classed as a "special category of personal information", I must have a specific additional legal justification in order to use it as proposed.

23. Generally I will rely on the following legal justifications, or 'grounds':

- a) Taking steps at your request so that you can enter into a contract with me to receive healthcare services from us.
- b) For the purposes of providing you with healthcare pursuant to a contract between you and I. I will rely on this for activities such as supporting your child's medical treatment or care and other benefits, supporting your child's nurse, carer or other healthcare professional and providing other services to your child.
- c) I have an appropriate business need to process your child's personal information and such business need does not cause harm to your child. I will rely on this for activities such as quality

assurance, maintaining my business records, monitoring outcomes and responding to any complaints.

- d) I have a legal or regulatory obligation to use such personal information.
- e) I need to use such personal information to establish, exercise or defend my legal rights.
- f) You have provided your consent to my use of your child's personal information.

24. Note that failure to provide your child's information further to a contractual requirement with me may mean that I am unable to set your child up as a patient or facilitate the provision of your child's healthcare.

25. I provide further detail on these grounds in the sections below.

### ***Appropriate business needs***

26. One legal ground for processing personal data is where I do so in pursuit of legitimate interests and those interests are not overridden by your child's privacy rights. Where I refer to use for my appropriate business needs, I am relying on this legal ground.

### **The right to object to other uses of your child's personal data**

27. You have a range of rights in respect of your child's personal data, as set out in detail in sections 69-80. This includes the right to object to me using your child's personal information in a particular way (such as sharing that information with third parties), and I must stop using it in that way unless specific exceptions apply. This includes, for example, if it is necessary to defend a legal claim brought against me, or it is otherwise necessary for the purposes of your child's ongoing treatment.

**You will find details of my legal grounds for each of our processing purposes below. I have set out individually those purposes for which I will use your child's personal information, and under each one I set out the legal justifications, or grounds, which allow me to do so. You will note that I have set out a legal ground, as well as an 'additional' legal ground for special categories of personal information. This is because I have to demonstrate additional legal grounds where using information which relates to a person's healthcare, as I will be the majority of the times I use your child's personal information.**

### ***Purpose 1: To set your child up as my patient, including carrying out fraud, credit, anti-money laundering and other regulatory checks***

28. As is common with most business, I have to carry out necessary checks in order for your child to become a patient. These include standard background checks, which I cannot perform without using your child's personal information.

29. **Legal ground:** Taking the necessary steps so that you can enter into a contract with me for the delivery of healthcare.

30. **Additional legal ground for special categories of personal information:** The use is necessary for reasons of substantial public interest, and it is also in my legitimate interests to do so.

***Purpose 2: To provide your child with healthcare and related services***

31. Clearly, the reason you come to me is to provide your child with healthcare, and so I have to use your child's personal information for that purpose.

**32. Legal grounds:**

- a) Providing your child with healthcare and related services
- b) Fulfilling my contract with you for the delivery of healthcare

**33. Additional legal grounds for special categories of personal information:**

- a) I need to use the data in order to provide healthcare services to your child
- b) The use is necessary to protect your child's vital interests where your child is physically or legally incapable of giving consent

***Purpose 3: For account settlement purposes***

34. I will use your child's personal information in order to ensure that your account and billing is fully accurate and up-to-date

**35. Legal grounds:**

- a) My providing your child healthcare and other related services
- b) Fulfilling my contract with you for the delivery of healthcare
- c) My having an appropriate business need to use your child's information which does not overly prejudice your child
- d) Your consent

**36. Additional legal grounds for special categories of personal information:**

- a) I need to use the data in order to provide healthcare services to your child
- b) The use is necessary in order for me to establish, exercise or defend my legal rights
- c) Your consent

**Purpose 4: For medical audit/research purposes**

**Clinical audit**

37. I may process your child's personal data for the purposes of local clinical audit – i.e. an audit carried out by myself or my direct team for the purposes of assessing outcomes for patients and identifying improvements which could be made for the future. I am able to do so on the basis of my legitimate interest and the public interest in statistical and scientific research, and with appropriate safeguards in place. You are, however, entitled to object to my using your child's personal data for this purpose, and as a result of which I would need to stop doing so. If you would like to raise such an objection then please contact me using the details provided in paragraph 3 above.

## **Medical research**

38. I may also be asked to participate in medical research and share data with ethically approved third party research organisations.
39. I will share your child's personal data only to the extent that it is necessary to do so in assisting research and as permitted by law. Some research projects will have received statutory approval such that consent may not be required in order to use your child's personal data. In those circumstances, your child's personal data will be shared on the basis that:

### **Legal grounds:**

- a) I have a legitimate interest in helping with medical research and have put appropriate safeguards in place to protect your child's privacy

### **Additional legal grounds for special categories of personal information:**

- b) The processing is necessary in the public interest for statistical and scientific research purposes

40. In the event that consent is required then either I will seek this from you, or the research agency will do so.

## ***Purpose 5: Communicating with you and resolving any queries or complaints that you might have.***

41. From time to time, patients may raise queries, or even complaints, with me and Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre and I take those communications very seriously. It is important that I am able to resolve such matters fully and properly and so I, as well as Spire Healthcare Hospital, Nuffield Hospital Leicester or Queen's Medical Centre will need to use your child's personal information in order to do so.

### **42. Legal grounds:**

- a) Providing your child with healthcare and other related services
- b) Having an appropriate business need to use your child's information which does not overly prejudice your child

### **43. Additional legal grounds for special categories of personal information:**

- a) The use is necessary for the provision of healthcare or treatment pursuant to a contract with a health professional
- b) The use is necessary in order for me to establish, exercise or defend my legal rights

## ***Purpose 6: Communicating with any other individual that you ask us to update about your child's care and updating other healthcare professionals about your child's care.***

44. In addition, other healthcare professionals or organisations may need to know about your child's treatment in order for them to provide your child with safe and effective care, and so I may need to share your child's personal information with them. Further details on the third parties who may need access to



your child's information is set out at section 56 below.

**45. Legal grounds:**

- a) Providing your child with healthcare and other related services
- b) I have a legitimate interest in ensuring that other healthcare professionals who are routinely involved in your child's care have a full picture of your child's treatment

**46. Additional legal ground for special categories of personal information:**

- a) I need to use the data in order to provide healthcare services to your child
- b) The use is necessary for reasons of substantial public interest under UK law

**Additional legal grounds for special categories of personal information:**

- c) The processing is necessary in the public interest for statistical and scientific research purposes

47. In the event that consent is required then either I will seek this from you, or the research agency will do so.

***Purpose 7: Complying with our legal or regulatory obligations and defending or exercising our legal rights.***

48. As a provider of healthcare, I am subject to a wide range of legal and regulatory responsibilities which is not possible to list fully here. I may be required by law or by regulators to provide personal information and in which case I will have a legal responsibility to do so. From time to time, clinicians are unfortunately also the subject of legal actions or complaints. In order to fully investigate and respond to those actions, it is necessary to access your personal information (although only to the extent that is it necessary and relevant to the subject matter).

**49. Legal Grounds**

- a) The use is necessary in order for us to comply with our legal obligations

**50. Additional legal ground for special categories of personal information:**

- a) I need to use the data in order for others to provide informed healthcare services to your child
- b) The use is necessary for reasons of the provision of health or social care or treatment or the management of health or social care systems.
- c) The use is necessary for establishing, exercising or defending legal claims.

51. I am also required by law to conduct audits of health records, including medical information, for quality assurance purposes. Your child's personal and medical information will be treated in accordance with guidance issued by the Care Quality Commission (England). Health Inspectorate Wales and Healthcare Improvement Scotland.

***Purpose 8: Managing my business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (e.g. tax or legal advice)***

52. In order to do this, I will not need to use your child's special categories of personal information and so I

have not identified the additional ground to use your child's information for this purpose.

**53. Legal grounds:**

- a) My having an appropriate business need to use your child's information which does not overly prejudice your child

***Purpose 9: Provide marketing information to you (including information about other products and services offered by selected third-party partners) in accordance with preferences you have expressed.***

**54.** As a provider of private healthcare services, I need to carry out marketing but am mindful of your child's rights and expectations in that regard. As a result, I will only provide you with marketing which is relevant to my business and only where you have specifically confirmed your consent to do so.

**55. Legal grounds:**

- a) My having an appropriate business need to use your child's information which does not overly prejudice your child
- b) You have provided your consent for your testimonial to be published.

***Disclosures to third parties:***

**56.** I may disclose your child's information to the third parties listed below for the purposes described in this Privacy Notice. This might include:

- a) A doctor, nurse, carer or any other healthcare professional involved in your child's treatment
- b) Other members of support staff involved in the delivery of your child's care, like receptionists and porters
- c) Anyone that you ask me to communicate with or provide as an emergency contact, for example your child's next of kin or carer
- d) NHS organisations, including NHS Resolution, NHS England, Department of Health
- e) Other private sector healthcare providers
- f) Your child's GP
- g) Your child's dentist
- h) Other clinicians (including their medical secretaries)
- i) Third parties who assist in the administration of your child's healthcare, such as insurance companies
- j) Private Healthcare Information Network
- k) National and other professional research/audit programmes and registries, as detailed under purpose 4 above
- l) Government bodies, including the Ministry of Defence, the Home Office and HMRC
- m) My regulators, like the Care Quality Commission, Health Inspectorate Wales and Healthcare Improvement Scotland
- n) The police and other third parties where reasonably necessary for the prevention or detection of crime

- o) My insurers
- p) Debt collection agencies
- q) Credit referencing agencies
- r) My third party services providers such as IT suppliers, actuaries, auditors, lawyers, marketing agencies, document management providers and tax advisers
- s) Selected third parties in connection with any sale, transfer or disposal of our business
- t) I may also use your child's personal information to provide you with information about products or services which may be of interest to you where you have provided your consent for me to do so.
- u) I may communicate with these third parties in a variety of ways including, but not limited to, email, post, fax and telephone.

### **Automated Decision Making**

57. An automated decision is a decision made by computer without any human input, and there will be no automated decision-making in relation to your child's treatment or other decisions which will produce legal or similarly significant effects.

### **How long do I keep personal information for?**

58. I will only keep your child's personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with my legal and regulatory obligations.

59. If you would like further information regarding the periods for which your child's personal information will be stored, please contact me using the details outlined in section 3.

### **Your child's rights**

60. Under data protection law your child has certain rights in relation to the personal information that I hold about them. These include rights to know what information I hold about your child and how it is used. You may exercise these rights at any time by contacting me using the details provided at section 3 above.

61. There will not usually be a charge for handling a request to exercise your child's rights.

62. If I cannot comply with your request to exercise your child's rights we will usually tell you why.

63. There are some special rules about how these rights apply to health information as set out in legislation including the Data Protection Act (current and future), the General Data Protection Regulation as well as any secondary legislation which regulates the use of personal information.

64. If you make a large number of requests or it is clear that it is not reasonable for me to comply with a request then we do not have to respond. Alternatively, I can charge for responding.

### **Your child's rights include:**

### ***The right to access your child's personal information***

65. You are usually entitled to a copy of the personal information I hold about your child and details about how I use it.
66. Your child's information will usually 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.
67. Please note that in some cases I 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.
68. You are entitled to the following under data protection law.
1. Under Article 15(1) of the GDPR I must usually confirm whether I have personal information about your child. If I do hold personal information about your child I usually need to explain to you:
    - i. The purposes for which I use your child's personal information
    - ii. The types of personal information I hold about your child
    - iii. Who your child's personal information has been or will be shared with, including in particular organisations based outside the EEA.
    - iv. If your child's personal information leaves the EU, how I will make sure that it is protected
    - v. Where possible, the length of time I expect to hold your child's personal information. If that is not possible, the criteria I use to determine how long I hold your child's information for
    - vi. If the personal data I hold about your child was not provided by you, details of the source of
    - vii. the information
    - viii. Whether I make any decisions about your child solely by computer and if so details of how those decision are made and the impact they may have on you
    - ix. Your right to ask me to amend or delete your child's personal information
    - x. Your right to ask me to restrict how your child's personal information is used or to object to my use of your child's personal information
    - xi. Your right to complain to the Information Commissioner's Office
  2. I also need to provide you with a copy of your child's personal data, provided specific exceptions and exemptions do not apply.

### ***The right to rectification***

69. I take reasonable steps to ensure that the information I hold about you is accurate and complete. However, if you do not believe this is the case, you can ask me to update or amend it.

### ***The right to erasure (also known as the right to be forgotten)***

70. I may update this Privacy Notice from time to time to ensure that it remains accurate. In the event that

there are any material changes to the manner in which your child's personal information is to be used then I will provide you with an updated copy of this Privacy Notice.

71. In some circumstances, you have the right to request that I delete the personal information I hold about you. However, there are exceptions to this right and in certain circumstances I can refuse to delete the information in question. In particular, for example, I do not have to comply with your request if it is necessary to keep your child's information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercising or defending legal claims.

#### ***The right to restriction of processing***

72. In some circumstances, I must "pause" our use of your child's personal data if you ask me to do so, although I do not have to comply with all requests to restrict my use of your child's personal information. In particular, for example, I do not have to comply with your request if it is necessary to keep your child's information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims.

#### ***The right to data portability***

73. In some circumstances, I must transfer personal information that you have provided to you or (if this is technically feasible) another individual/ organisation of your choice. The information must be transferred in an electronic format.

#### ***The right to object to marketing***

74. You can ask me to stop sending you marketing messages at any time and I must comply with your request. You can do this by contacting me using the details provided at section 3 above.

#### ***The right to withdraw consent***

75. In some cases I may need your consent in order for my use of your child's personal information to comply with data protection legislation. Where we do this, you have the right to withdraw your consent to further use of your child's personal information. You can do this by contacting me using the details provided at section 3 above.

#### ***The right to complain to the Information Commissioner's Office***

76. You can complain to the Information Commissioner's Office if you are unhappy with the way that I have dealt with a request from you to exercise any of these rights, or if you think I have not complied with our legal obligations.

77. More information can be found on the Information Commissioner's Office website: <https://ico.org.uk/>

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

## **National Data Opt-Out Programme**

79. NHS Digital is currently developing a national programme which will go live on 25 May 2018, pursuant to which all patients will be able to log their preferences as to sharing of their personal information. All health and care organisations will be required to uphold patient choices, but only from March 2020. In the meantime you should make me aware directly of any uses of your child's data to which you object.

## **Updates to this Privacy Notice**

80. **I 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 I process your child's personal data then I will provide you with an updated copy of the Policy.**

81. **This Privacy Notice was last updated on 23 May 2018.**