Privacy Notice – Risk Stratification

[i] First Community Health and Care CIC (hereafter First Community) may hold data on you that we apply searches and algorithms to in order to identify what preventive interventions you may benefit from.

This means using only the data we hold or in certain circumstances linking that data to data held elsewhere by other organisations, and usually processed by organisations within or bound by contracts with the NHS, we will review your health care records to ensure you have access to the best services and treatment.

Only First Community will be able to identify you and the results of any calculated factors, such as your risk of potential illness such as heart disease. We will not share your data outside of the organisation.

You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. If you wish to exercise your right to object to this processing, you can do so at any time. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1**) Controller** contact details	First Community Health and Care CIC 2nd Floor Forum House 41 - 51 Brighton Road Redhill Surrey RH1 6YS
2) Data Protection Officer contact details	Jamie Sheldrake Email: nelcsu.dpo@nhs.net Tel: 03000 428 438
3) **Purpose** of the processing	First Community uses your data to provide the best care they can for you. As part of this process, we will use your personal and health data to undertake risk stratification, also known as case finding. Risk stratification involves applying computer-based algorithms, or calculations, to identify those patients who are most at risk from certain medical conditions and who will benefit from clinical care to help prevent or better treat their condition. To identify those patients individually would be a lengthy and time-consuming process, which would by its nature potentially not identify individuals quickly and would increase the time to improve care. First Community use Sollis systems to identify those most in need of preventative or improved care. This contract is arranged by East Surrey CCG. We have implemented strict security controls to protect your confidentiality and recommend this as a secure and beneficial service to you.
4) **The Lawfulness Conditions and special**	The processing of personal data in the delivery of Risk stratification

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Categories	and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR: *Article 6(1)(e) '…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…'.* *Article 9(2)(h) '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..."* We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"[*ii]
5) **Recipient or categories of recipients** of the processed data	The data will be shared with Health and care professionals and support staff in your GP surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care, e.g. **Acute Trusts** – for example Caterham Dene Hospital **Community trusts or community organisations** **Mental Health Trusts or Mental Health organisations** **Primary Care organisations** - for example your local GP practice**.** It is also important to note that if you receive treatment in another part of the country, for example if you are on holiday, NHS Digital will receive information about your treatment.
6) **Right to object**	You have the right to object to some or all the information being processed under Article 21 of the General Data Protection Regulation; if so please contact the Controller. You should be aware that this is a right to raise an objection, which is not the same as having an absolute right to have your wishes granted in every circumstance.
7) **Right to access and correct**	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a Court of Law.
8**) Retention period**	The data will be retained in line with the law and national guidance or speak to the organisation.
9) **Right to Complain**.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ Or by calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website).

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[i] GDPR requires information regarding how your data is processed to be provided to you in an easily understandable format however, please feel free to contact the Controller if you have any further questions.

[ii] * “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.