

Dr Foster Unit at Imperial College (DFU) – Privacy Notice

What is the purpose of this document?

Imperial College of Science, Technology and Medicine (the “College” or “Imperial”) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the applicable data protection legislation (the Data Protection Act 2018 and the General Data Protection Regulations (the “GDPR”) and the College’s *Data Protection Policy*.

The College is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to members of the public. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that any personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of pseudonymised personal information about you.

- Demographic information such as age and sex

We collect, store and use the following "special categories" of more sensitive personal information as anonymous / de-identified data.:

- Information about your race or ethnicity.
- Information about your health, including any medical condition, health and sickness records.

How is your personal information collected?

HES data is provided to us by NHS Digital using their Secure Electronic File Transfer service (SEFT) under sections s261(1) and s261(2)(b)(ii) of the Health and Social Care Act 2012. DFU meets strict governance standards in order to complete NHS Digital's Data Access Request Service (DARS) agreements.

Imperial College received no identifying information about you. All records have identifiers replaced with pseudonymised IDs prior to us receiving the data so we are unable to identify you from our records.

How we will use information about you and the legal basis for processing your data under the GDPR

Under GDPR we must identify specific legal bases for collecting and using your personal data and special category data:

- General Data Protection Regulation Article 6 (1)(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;
- General Data Protection Regulation Article 9 (2) (j) - processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Situations in which we will use your personal information

We need all the categories of information in the list above (see The kind of information we hold about you) primarily to help NHS organisations improve the standards of care patients receive. The situations in which we will process your personal information are listed below.

- Analysing de-identified information to highlight variations in the quality of patient care.
- Helping the NHS drive up standards by using de-identified hospital information to spot when hospitals have higher than expected mortality rates.
- Improving care by using the de-identified data in research to find the best ways to measure quality of care and to compare hospital treatments.
- Alerting NHS organisations of potential problems with quality and safety of care.

Change of purpose

We will only use your pseudonymised personal information for the purposes agreed with NHS Digital in our DARS agreements. If we need to use your pseudonymised personal information for an unrelated purpose, NHS Digital will first have to approve new or amended DARS agreements.

Please note that we may process your pseudonymised personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law. You can choose whether or not your data is used for research and planning. This is called the National Data Opt-out. More information about opting-out is given in this link here:

<https://www.nhs.uk/using-the-nhs/about-the-nhs/opt-out-of-sharing-your-health-records/>

Our obligations

We will use your particularly sensitive personal information in the following ways as de-identified data:

- Analysing de-identified information to highlight variations in the quality of patient care.
- Helping the NHS drive up standards by using de-identified hospital information to spot when hospitals have higher than expected mortality rates.
- Improving care by using the de-identified data in research to find the best ways to measure quality of care and to compare hospital treatments.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
2. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the College group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We are not permitted to transfer any information outside the EU.

Why might you share my personal information with third parties?

We do not share your personal information with third parties

Data security

We have put in place measures to protect the security of your information.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different records the College holds are available in our [Retention Schedule](#). To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

We will not keep your information for longer than the period stipulated in our contracts. All data will be destroyed once their retention period has been met, and when the unit has made the decision that the data are no longer required.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. Imperial College holds no identifying information about you so is unable to identify you from our datasets. As such if you wish to exercise your right to object to processing please follow the procedure at the link here:

<https://www.nhs.uk/using-the-nhs/about-the-nhs/opt-out-of-sharing-your-health-records/>

Data Protection Officer

If you have a concern about the way your records are managed or to learn more about how DFU use, manage and maintain confidentiality of your information, please contact:

Richard Cooley
Data Manager
Dr Foster Unit at Imperial College
Reynolds Building,
3rd Floor
St Dunstan's Road
London
W6 8RP

e-mail: r.cooley@imperial.ac.uk

We have appointed a Data Protection Officer to oversee compliance with this privacy notice. While we are not able to identify you from the data we hold, if you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer at:

Imperial College London
Data Protection Officer
Exhibition Road
Faculty Building Level 4
London SW7 2AZ

e-mail: dpo@imperial.ac.uk

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.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

Document last updated March 2022