Patient and Third-Party Privacy Notice

1. Overview

1.1 Cumbria Health, whose registered office is at 4 Wavell Drive, Rosehill Industrial Estate, Carlisle, CA1 2SE, is a Data Controller.

This means that we determine why and how your personal data is processed.pr

1.2 Cumbria Health is required to appoint a Data Protection Officer in relation to its processing activities. Cumbria Health uses an external Data Protection Officer whose details are:

Yvonne Salkeld
Head of Information Governance
North Cumbria Integrated Care
Maglona House
Unit 68
Kingstown Broadway
Carlisle
CA3 0HA
Telephone: 01228 603927

You should contact the Data Protection Officer if you have any concerns about this privacy notice, how your personal data is used, or data protection within Cumbria Health generally.

1.3 Cumbria Health takes the security and privacy of your personal data seriously.

We need to collect and use information about you as part of our work, including to:

- provide safe and effective care;
- protect patient safety;
- maintain accurate clinical records;
- manage our relationship with patients, service users and third parties;
- meet our legal, regulatory and contractual responsibilities; and
- operate, monitor and improve our services.

We process personal data in accordance with applicable data protection legislation, including the UK General Data Protection Regulation, the Data Protection Act 2018, and other legislation that applies to our services.

This notice explains how and why we collect, use, store, share and protect personal data.

1.4 This notice applies to:

- patients;
- service users; and

- third parties whose personal data we process as part of our business activities and service provision.

It does not apply to job applicants, who are covered by a separate privacy notice.

If you are included in one of the categories above, you are a data subject for the purposes of data protection legislation.

1.5 Cumbria Health has a separate privacy notice for job applicants. This can be accessed through the Careers section of the Cumbria Health website.

1.6 Cumbria Health has organisational and technical controls in place to protect personal data. These controls are supported by our relevant policies and procedures, including those relating to:

- data protection;
- information governance;
- records management;
- information security;
- artificial intelligence;
- clinical safety; and
- email and internet use.

1.7 Cumbria Health retains records in accordance with its Records Management Policy and applicable legal, regulatory and NHS requirements.

We will only retain personal data for as long as it is required for the purposes for which it was collected, or for as long as we are legally required to retain it.

1.8 This notice explains how Cumbria Health collects, holds, uses, shares, protects and otherwise processes your personal data.

1.9 This notice is intended to comply with applicable UK data protection legislation.

If there is any conflict between this notice and applicable legislation, Cumbria Health will comply with the legislation.

2. Data Protection Principles

2.1 Personal data must be processed in accordance with the data protection principles.

Personal data must be:

- processed lawfully, fairly and transparently;
- collected for specified, explicit and legitimate purposes and not used incompatibly with those purposes;
- adequate, relevant and limited to what is necessary;
- accurate and, where necessary, kept up to date;

- corrected or deleted without undue delay where it is inaccurate;
- kept for no longer than is necessary; and
- processed securely, including protection against unauthorised or unlawful processing and accidental loss, destruction or damage.

Cumbria Health is accountable for complying with these principles and must be able to demonstrate its compliance.

3. How we Define Personal Data

3.1 Personal data means information relating to a living individual who can be identified directly from that information or indirectly when it is combined with other information.

Personal data may include opinions about an individual and information about the intentions of Cumbria Health or another person in relation to that individual.

Information that has been anonymised so that an individual can no longer be identified is not personal data.

3.2 This notice applies to personal data in any format, including information:

- held electronically;
- held within clinical or business systems;
- stored on paper;
- contained in photographs, video or audio;
- held within correspondence or communications; or
- stored on any other approved medium.

3.3 Personal data may be:

- provided directly by you;
- provided by a relative, carer, representative or other person acting on your behalf;
- provided by NHS 111, your GP, another healthcare professional or another health or care organisation;
- provided by an independent healthcare professional acting on our behalf;
- provided by a practice managed or operated by Cumbria Health;
- obtained from another organisation where the sharing is lawful; or
- created by Cumbria Health while providing care or operating our services.

3.4 Depending on your relationship with Cumbria Health, we may collect and use:

- your name;
- your address and contact details;
- your date of birth;
- NHS or other identification numbers;
- details of your emergency contacts;

- information about relatives, carers or representatives;
- information about your gender;
- marital status and relevant family details;
- health records and information about your care;
- genetic information where relevant;
- identification documents, including a passport or driving licence;
- your image, including images captured through approved CCTV, photography or video;
- information contained in telephone, video or face-to-face consultations;
- correspondence and other communications with you;
- information required to manage payments, contracts or services; and
- any other category of personal data that we tell you about when it is collected.

We will only collect information that is relevant and necessary for the purpose for which it is being processed.

4. Special Categories of Personal Data

4.1 Certain types of personal data require additional protection. These are known as special categories of personal data and may include information about:

- racial or ethnic origin;
- religious or philosophical beliefs;
- genetic information;
- biometric information used for identification;
- physical or mental health;
- sex life; and
- sexual orientation.

Information about criminal convictions and offences is subject to separate protections under data protection legislation.

Cumbria Health will only process special-category data and criminal-offence data where the processing is lawful, necessary and appropriately protected.

5. How we Define Processing

5.1 Processing means any action carried out using personal data, whether the action is automated.

It includes:

- collecting;
- recording;
- organising;
- structuring;

- storing;
- adapting or altering;
- retrieving;
- consulting;
- using;
- reviewing;
- disclosing by transmission or otherwise making information available;
- aligning or combining;
- restricting;
- anonymising;
- deleting; and
- destroying information.

Processing includes both automated processing and the processing of information that forms part of a structured filing system.

6. How we Process your Personal Data

6.1 Cumbria Health will process personal data, including special-category personal data, in accordance with its obligations under applicable data protection legislation.

6.2 Depending on the circumstances, we may process your personal data where:

- processing is necessary to perform a task carried out in the public interest or in the exercise of official authority vested in Cumbria Health, including the provision of health services;
- processing is necessary to protect your vital interests or those of another person;
- processing is necessary to comply with a legal obligation;
- processing is necessary to enter into or perform a contract with you;
- processing is necessary for Cumbria Health's legitimate interests or the legitimate interests of another person, provided those interests are not overridden by your rights and interests; or
- you have provided consent where consent is the appropriate lawful basis.

Legitimate interests will not normally be relied upon as the lawful basis for providing health services to patients and service users. It may be relevant when Cumbria Health deals with other third parties, such as suppliers.

6.3 Data protection consent is not the only lawful basis on which personal data can be processed. Where another lawful basis applies, Cumbria Health may process personal data without relying on your consent. We will not use personal data for an incompatible purpose without telling you about the proposed use and the lawful basis on which we intend to rely.

6.4 Where we need personal data to provide care, meet a legal requirement or perform a contract, and you choose not to provide that information, we may be unable to provide some or all of the relevant services.

We will explain the consequences where appropriate.

7. Examples of When we May Process Personal Data

7.1 Cumbria Health processes personal data to provide primary and urgent care health services. The lawful basis will generally be the performance of a task in the public interest or the exercise of official authority. In life-threatening circumstances, processing may also be necessary to protect your vital interests or those of another person.

We may process personal data for:

- decisions made by healthcare professionals and support staff when assessing, treating or caring for you;
- identifying the most appropriate course of care or treatment;
- maintaining accurate and complete clinical records;
- liaising with NHS organisations, adult social care organisations, healthcare professionals and relevant practices in connection with your care;
- referrals and the coordination of care;
- administration of our services;
- investigating and responding to concerns, incidents and complaints;
- protecting patient safety;
- quality assurance, audit and clinical governance;
- improving our services for current and future service users;
- preparing statistics relating to NHS performance and activity;
- obtaining payment for services provided;
- training and educating staff, subject to appropriate safeguards;
- carrying out research and analysis where there is a lawful basis and appropriate approval; and
- any other compatible and lawful purpose that we explain to you.

7.2 Where you are a third party rather than a patient or service user, we may process your personal data:

- to manage payments, fees and charges;
- to collect money owed to Cumbria Health;
- to manage our relationship with you;
- to communicate relevant information;
- to enter into or perform a contract;
- to obtain or manage goods and services;
- to comply with legal and regulatory obligations; and
- to support the legitimate operation of Cumbria Health.

7.3 Cumbria Health may process special-category personal data where permitted by law, including where:

- processing is necessary to protect your vital interests, or those of another person, and the relevant person is physically or legally incapable of providing consent;
- processing is necessary for preventive or occupational medicine;
- processing is necessary for medical diagnosis;
- processing is necessary to provide health or social care or treatment;
- processing is necessary to manage health or social care systems and services;
- processing is necessary for reasons of public interest in the area of public health;
- processing is necessary for substantial public-interest reasons; or
- another condition under applicable legislation applies.

7.4 Where Cumbria Health needs your explicit consent for a particular processing activity, we will explain:

- what information will be processed;
- why it is required;
- how it will be used;
- whether it will be shared; and
- how you can withdraw your consent.

You do not have to consent where consent is requested. If you give consent, you can withdraw it later by contacting Cumbria Health or the Data Protection Officer.

The withdrawal of consent will not affect processing that was lawful before consent was withdrawn.

7.5 Cumbria Health will not routinely process special-category data about third parties who are not patients or service users.

Where such processing is required, it will only take place where there is an appropriate lawful basis and a condition permitting the processing. Information processed for recruitment purposes is covered by the separate privacy notice for job applicants.

7.6 Cumbria Health does not make clinical decisions about you based solely on automated processing.

We do not use automated profiling to diagnose conditions, determine treatment or make other clinical decisions about patients.

Technology may be used to assist administrative activities, record-keeping and clinical documentation, but an appropriately qualified healthcare professional remains responsible for clinical decisions and for approving information entered into the clinical record.

7.7 Cumbria Health may use approved Ambient Scribe Artificial Intelligence, also known as ambient voice technology or an AI scribe, during telephone, video or face-to-face consultations.

The purpose of the Ambient Scribe is to support healthcare professionals in preparing patient notes and related clinical documentation. The technology may process the conversation between a patient and a healthcare professional to produce a draft transcript, summary or clinical note.

Where an Ambient Scribe is to be used, the patient will be informed. The healthcare professional will follow Cumbria Health's approved procedure for giving relevant information, responding to questions and recording the patient's preference.

Where the approved procedure provides a choice not to use the technology, a patient's objection will be respected, and the healthcare professional will explain the available alternative. Objecting to the use of the Ambient Scribe will not, by itself, prevent the patient from receiving care.

7.8 The Ambient Scribe is a documentation-support tool. It does not:

- diagnose a medical condition;
- determine or recommend treatment independently;
- decide how urgently a patient should be treated;
- replace the professional judgement of a healthcare professional; or
- make a clinical decision about a patient.

Any transcript, summary or clinical note created by the Ambient Scribe is a draft.

The draft must be reviewed by an appropriately qualified healthcare professional, who will amend it where necessary and approve the final information before it is relied upon as part of the patient's clinical record.

The healthcare professional remains responsible for:

- The accuracy, relevance and completeness of the final clinical record
- Decisions made about care and treatment
- Checking the Ambient Scribe's output against the consultation
- Correcting inaccurate, incomplete or irrelevant information
- Ensuring that the final record meets professional and organisational record-keeping standards.

7.9 Ambient Scribe technology will only be used through systems approved by Cumbria Health.

Its use will be governed by:

- applicable data protection legislation
- Cumbria Health's artificial-intelligence governance arrangements

- information-governance and information-security requirements
- clinical-safety requirements
- the relevant Data Protection Impact Assessment
- supplier and processor assurance
- Cumbria Health's Records Management Policy
- applicable professional requirements and relevant NHS guidance.

Personal data processed through an Ambient Scribe will be limited to information that is necessary to support the provision and documentation of care.

7.9 Human oversight and clinical responsibility

The Ambient Scribe is a documentation-support tool. It does not:

- Diagnose a medical condition
- Determine or recommend treatment independently
- Decide how urgently a patient should be treated
- Replace the professional judgement of a healthcare professional; or
- Make a clinical decision about a patient.

Any transcript, summary or clinical note created by the Ambient Scribe is a draft.

The draft must be reviewed by an appropriately qualified healthcare professional, who will amend it where necessary and approve the final information before it is relied upon as part of the patient's clinical record.

The healthcare professional remains responsible for:

- The accuracy, relevance and completeness of the final clinical record
- Decisions made about care and treatment
- Checking the Ambient Scribe's output against the consultation
- Correcting inaccurate, incomplete or irrelevant information; and
- Ensuring that the final record meets professional and organisational record-keeping standards.

7.9.1 Governance of Ambient Scribe technology

Ambient Scribe technology will only be used through systems approved by Cumbria Health.

Its use will be governed by:

- Applicable data protection legislation
- Cumbria Health's artificial-intelligence governance arrangements
- Information-governance and information-security requirements
- Clinical-safety requirements
- The relevant Data Protection Impact Assessment
- Supplier and processor assurance

- Cumbria Health's Records Management Policy
- Applicable professional requirements and relevant NHS guidance.

Personal data processed through an Ambient Scribe will be limited to information that is necessary to support the provision and documentation of care.

8. Sharing Personal Data

8.1 Cumbria Health may share personal data, including health information, with other health and adult social care organisations where this is lawful and necessary.

This may include sharing information with practices managed or operated by Cumbria Health and with other organisations involved in your care.

Information will only be shared where there is an appropriate legal basis and where sharing is necessary for purposes such as:

- providing or coordinating care;
- protecting your vital interests or those of another person;
- protecting patient safety;
- meeting statutory or regulatory requirements; or
- supporting the effective management of health and care services.

8.2 Cumbria Health may share personal data with contractors, agents and healthcare professionals who support the delivery and administration of our services.

This may include doctors and other healthcare professionals who are not directly employed by Cumbria Health.

Information will only be shared where it is necessary for the recipient to perform an authorised function.

8.3 Some organisations process personal data on behalf of Cumbria Health. These organisations are known as data processors.

Processors must only act on Cumbria Health's documented instructions, unless they are otherwise required by law. They must also:

- keep personal data confidential and secure;
- use the information only for the authorised purpose;
- provide appropriate technical and organisational security;
- support Cumbria Health in meeting its data protection obligations;
- apply approved retention and deletion arrangements; and
- comply with the requirements of their contract and applicable law.

This may include approved suppliers that provide clinical, administrative, reporting, digital, artificial-intelligence or Ambient Scribe services.

Cumbria Health remains responsible for ensuring that appropriate processor arrangements are in place.

8.4 Cumbria Health does not routinely transfer personal data outside the United Kingdom.

Where a transfer outside the United Kingdom is necessary, it will only take place where the transfer is lawful. This may include where:

- the destination is covered by UK adequacy regulations;
- appropriate safeguards are in place in accordance with data protection legislation; or
- another lawful exception applies.

You may contact the Data Protection Officer if you would like further information about the safeguards used for a particular international transfer.

8.5 GP practices managed by Cumbria Health use iGPR Technologies Limited, known as iGPR, as a processor to assist with responding to certain requests for reports relating to patient information.

These may include:

- subject access requests submitted by a patient or by someone acting on the patient's behalf; and
- report requests submitted by insurers under the Access to Medical Reports Act 1988 in connection with a life-insurance policy held by, or being applied for by, the patient.

iGPR supports the reporting process by reviewing and responding to requests in accordance with Cumbria Health's instructions and applicable law, including UK data protection legislation.

Cumbria Health's instructions to iGPR include general instructions for handling requests and specific arrangements for matters requiring consultation with the GP responsible for the patient's care.

8.6 Where Cumbria Health uses an external supplier to provide Ambient Scribe technology, that supplier may process relevant personal data on Cumbria Health's behalf.

The supplier will only be permitted to process personal data for the approved purpose and in accordance with Cumbria Health's instructions, contractual controls and applicable law.

Before approved use, Cumbria Health will assess the relevant information-governance, data-protection, information-security, supplier and clinical-safety requirements.

9. Subject Access Requests

9.1 You have the right to ask whether Cumbria Health processes your personal data and, where applicable, to receive a copy of that information. This is known as a subject access request or SAR.

9.2 A subject access request should be made to Cumbria Health.

You should provide enough information to allow us to:

- confirm your identity;
- locate the information requested; and
- understand the scope of your request.

We will normally respond without undue delay and within one month of receiving a valid request.

Where a request is complex or a person has made several requests, the response period may be extended by up to a further two months. If this applies, we will tell you and explain the reason for the extension.

9.3 There is normally no fee for making a subject access request.

Where a request is manifestly unfounded or excessive, particularly where it is repetitive, Cumbria Health may:

- charge a reasonable fee based on the administrative cost of responding; or
- refuse to act on the request.

If we refuse to act or intend to charge a fee, we will explain the reasons and provide information about your right to complain.

9.4 Information created or retained through the approved use of an Ambient Scribe may fall within the scope of a subject access request where it constitutes your personal data and is held by, or on behalf of, Cumbria Health.

Any information disclosed will be handled in accordance with data protection legislation, including the protection of information relating to other people.

10. Your Data Protection Rights

10.1 Your rights depend on the circumstances and the lawful basis being used. Some rights do not apply in every situation.

You have the right to receive information about:

- the personal data Cumbria Health processes;
- why it is processed;
- the lawful basis for processing;
- who it may be shared with;

- how long it will be retained; and
- your rights.

This notice is intended to provide that information.

10.2 You have the right to request access to your personal data by making a subject access request.

10.3 You have the right to ask Cumbria Health to correct personal data that is inaccurate and to complete information that is incomplete.

You can raise a correction with a member of staff or contact the Data Protection Officer.

10.4 In certain circumstances, you have the right to ask Cumbria Health to erase your personal data.

This right is not absolute. Information may need to be retained where processing remains necessary for the provision of healthcare, compliance with a legal obligation, public-interest purposes, the establishment or defence of legal claims, or another lawful reason.

10.5 In certain circumstances, you may ask Cumbria Health to restrict the processing of your personal data, including while:

- the accuracy of the information is being checked;
- the lawfulness of processing is being considered;
- Cumbria Health no longer needs the information but you require it for a legal claim; or
- an objection to processing is being considered.

10.6 You may have the right to object where processing is based on:

- the performance of a task carried out in the public interest;
- the exercise of official authority; or
- legitimate interests.

The right to object is not absolute. Cumbria Health may continue processing where there are compelling legitimate grounds or where processing is required for legal claims.

10.7 You have the right to object at any time to the processing of your personal data for direct-marketing purposes.

10.8 In limited circumstances, you may have the right to receive personal data you have provided to Cumbria Health in a structured, commonly used and machine-readable format and to have that information transferred to another controller.

This right only applies where the relevant legal conditions are met.

10.9 You have rights relating to decisions based solely on automated processing where those decisions produce legal or similarly significant effects.

Cumbria Health does not use Ambient Scribe technology to make solely automated clinical decisions about patients. Ambient Scribe outputs are subject to meaningful human review before being approved as part of the clinical record.

10.10 Where a personal-data breach is likely to result in a high risk to your rights and freedoms, Cumbria Health will notify you without undue delay, as required by law.

10.11 Where Cumbria Health relies upon your consent for a specific processing activity, you have the right to withhold or withdraw that consent.

Withdrawal of consent will not affect the lawfulness of processing carried out before consent was withdrawn.

10.12 If you are concerned about how Cumbria Health has handled your personal data, you may contact the Data Protection Officer.

You also have the right to complain to the Information Commissioner's Office, the independent UK regulator for data protection.

Information about making a complaint and the Information Commissioner's Office's current contact details are available on its website at www.ico.org.uk.

11. Data Security

11.1 Cumbria Health has measures in place to protect personal data.

We review our working practices and security arrangements and update them where necessary to respond to risks and protect personal data.

11.2 Third parties processing personal data on behalf of Cumbria Health are required to:

- act only on authorised instructions;
- protect the confidentiality of the information;
- maintain appropriate security;
- limit access to authorised personnel; and
- notify Cumbria Health of relevant incidents and risks.

11.3 Cumbria Health uses appropriate technical and organisational measures designed to prevent personal data from being:

- accidentally lost;
- destroyed without authorisation;
- altered inappropriately;
- accessed without authorisation;
- used unlawfully; or
- disclosed without authorisation.

Access is limited to employees, healthcare professionals, agents, contractors, processors and other authorised third parties who have a legitimate business or care-related need to know.

Those individuals and organisations are required to comply with confidentiality, information-governance and security requirements.

11.4 Cumbria Health has procedures for identifying, managing and investigating suspected personal-data breaches and other information-security incidents.

Where legally required, Cumbria Health will notify the Information Commissioner's Office and affected individuals.

11.5 Approved Ambient Scribe technology must be subject to appropriate security, access and governance controls.

These may include, as applicable:

- access limited to authorised users;
- secure authentication;
- controls over how consultation information is processed;
- appropriate contractual and confidentiality requirements;
- logging and audit arrangements;
- secure transfer and storage of information;
- defined retention and deletion arrangements; and
- incident-reporting and escalation procedures.

Staff must only use Ambient Scribe systems approved by Cumbria Health. Patient information must not be entered into unapproved artificial-intelligence tools.

12. Data Retention

12.1 Cumbria Health will only retain personal data for as long as necessary to fulfil the purposes for which it was collected. This includes satisfying legal, clinical, accounting, reporting and regulatory requirements.

Retention periods are set out in Cumbria Health's Records Management Policy and relevant retention schedules.

When deciding an appropriate retention period, Cumbria Health will consider:

- the amount of personal data;
- the nature and sensitivity of the information;
- the purpose for which it is processed;
- the legal and clinical requirements that apply;
- the potential risk of harm from unauthorised use or disclosure;

- whether the purpose can be achieved by other means; and
- applicable NHS and professional record-keeping requirements.

You may contact the Data Protection Officer for further information about the retention arrangements applying to particular information.

12.2 In some circumstances, Cumbria Health may anonymise personal data so that it can no longer be associated with an identifiable individual.

Once information has been effectively anonymised, it is no longer personal data and may be used for lawful purposes without further notice.

12.3 The final clinical note approved by the healthcare professional will be retained as part of the relevant clinical record in accordance with the retention requirements applying to that record.

Any draft transcript, draft summary, temporary audio or other intermediate information created through the Ambient Scribe will be handled in accordance with:

- the approved design and purpose of the system;
- Cumbria Health's Records Management Policy;
- the relevant Data Protection Impact Assessment;
- contractual requirements applying to the supplier; and
- the approved retention and deletion arrangements.

Cumbria Health will not retain intermediate Ambient Scribe information for longer than is necessary for its approved purpose.

13. Changes to This Notice

13.1 Cumbria Health may update this privacy notice to reflect:

- changes in legislation or regulatory guidance;
- changes to our services;
- the introduction or alteration of technology;
- changes to how personal data is processed;
- changes to suppliers or processing arrangements; or
- improvements to how we explain our use of personal data.

The current version will be made available through the appropriate Cumbria Health communication channels.

14. Contacting Us

If you have a question about this notice, how your information is used, your data protection rights, or the use of Ambient Scribe technology, you may contact Cumbria Health or the Data Protection Officer using the details provided in section 1.2.

You may also speak to the healthcare professional providing your care if your question concerns the proposed use of an Ambient Scribe during a consultation.

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