

## Confidentiality, Data Protection and Use of Patient Information.

At Complete Fertility Centre we collect and hold information about you to enable us to give you the correct care and treatment. The information will be kept as paper records, electronically (eg. in electronic patient records or digital images) or both. The information forms part of your health record and is kept to give you the most optimal treatment and to allow healthcare professionals involved at different stages of your care to have access to your medical history, such as allergies, operations or tests.

### What is this document for?

The purpose of this document is to tell you how Complete Fertility Centre processes information about you in accordance with the Data Protection Act 1998, also known as a 'Fair Processing Notice'. This document should be available to you within a reasonable period of asking for your data.

### It tells you:

- why we collect information about you
- how your records are used
- when we might share information about you or your treatment
- your rights about information we hold.

Our fundamental principle is that we are holding your records in strict confidence. All our staff are subject to a strict confidentiality code. Anyone who receives information from us also has a legal duty to keep it confidential.

### Data Controller

The Data Protection Act 1998 requires every organisation that processes personal information to register as a Data Controller with the Information Commissioner's Office (ICO), apart from the instances when they are exempt. Complete Fertility Ltd is registered with the ICO as a data controller under registration reference ZA264458.

### The Human Fertilisation and Embryology Authority (HFEA)

The HFEA licences our clinic to provide fertility treatment. As such they have specific rules and guidance around how we look after your records. All patients having an HFEA licensed treatment are asked to complete an HFEA Consent to Disclosure form (CD form). This allows you to say who we can and cannot disclose your fertility health care record to.

A pre-requisite of our HFEA licence is that we transfer specific licensed treatment data to the HFEA register via secure means. The HFEA holds your information in the strictest confidence in compliance with the HFE Act and the Data Protection Act. It is unlawful to carry out licensed treatments without sharing specific data with the HFEA.

### Why we collect information about you

We aim to provide you with the highest quality of health care. To do this we must keep records about you, your health and the care we have provided or

Author: Oksana Stidston  
Authorised by: Julia Paget

Complete Fertility Centre

Member of Virtus Group

Reviewed by: O. Stidston 01/19

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plan to provide to you.

### **What information might we hold about you?**

These records may include:

- basic details about you, such as address, phone number, email address, date of birth, next of kin
- contact we have had with you such as appointments
- notes and reports about your health
- details and records about your treatment and care
- results of investigations such as ultrasound scans and laboratory test results
- relevant information from people who care for you and know you well, for example, other healthcare professionals.

The source of all information that we hold about you will either be directly from you, or from healthcare professionals or agencies that have come into contact with you. We do not access data about you from publicly accessible sources.

### **The lawful basis for processing your information**

Health care records are classed as special category data which are more sensitive, so they require more protection. The conditions for processing special category data are listed in Article 9(2) of the General Data Protection Regulation.

Complete Fertility will only process personal data or special category personal data, where we have identified that a lawful basis for doing so is established under data protection legislation. Our lawful basis for processing personal data is "Legitimate interests". HFEA licensed activity is laid out in the HFEA Code of Practice 9th Edition section 31. The special category is "Data concerning health and Data concerning a natural person's sex life or sexual orientation".

### **How your records are used**

We use your records to:

- provide a solid basis for any treatment or advice we give to you
- make sure your treatment is safe, effective and based on the latest robust scientific evidence and to ensure the advice we provide is appropriate and relevant to you
- work effectively with others providing you with treatment or advice
- evaluate your care and properly investigate your concerns if you raise a complaint

### **We have a responsibility to:**

- maintain full and accurate records of the care we provide to you
- keep records about you confidential, secure and accurate
- provide information in a format that is accessible to you (for example, in large type if you are partially sighted).

Members of the clinical teams providing your care may share your personal health information with each other. These teams may include:

- healthcare professionals (such as doctors, nurses, embryologists, healthcare assistants, pharmacists)

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- operations and administrative support staff
- embryology, medical and nursing students in training
- pathology staff involved in the analysis and reporting of diagnostic tests
- staff conducting local clinical audits to evaluate the level of care provided to you.

All clinic staff are bound by law and a strict code of confidentiality. In accordance with ICO guidance, the clinic has appointed a Caldicott Guardian who is a senior member of staff responsible for protecting the confidentiality of patient and service user information and enabling appropriate information sharing.

We may share information about you with the following organisations for the purposes of delivering your care:

- HFEA (Human fertilisation and Embryology Authority), our regulatory body
- NHS commissioners of care – in particular the organisation that referred you to us for treatment, assistance or advice (Clinical Commissioning Groups, hospitals)
- other providers involved in your care – such as your GP, or other NHS or private sector providers.
- External health care auditors

We may also share your information **with your consent** and in accordance with strict sharing protocols about how it will be used, with:

- Medical and other scientific researchers
- local authorities and police (rarely and only in instances where there is a concern over your or others' safety)

We may also share your information **with your consent** with others that need to use records about you to:

- verify the quality of treatment or advice we have given you
- protect the health of the general public
- help with investigation of any concerns or complaints you or your family have about your health care.

**There may be times when we need to share your information without your consent, for example:**

- where there is a risk of harm to you or other people
- where we believe that the reasons for sharing are so important that they override our obligation of confidentiality (for example, to support the investigation and prosecution of offenders or to prevent serious crime)
- where we are legally required to do so
- to control infectious diseases such as meningitis, tuberculosis (TB) or measles
- if you are subject to the Mental Health Act (1983), there are circumstances in which your 'nearest relative' must receive information even if you object.

### How long we keep your records

- The HFEA stipulates how long we must keep records relating to fertility treatment.
- Records will be kept in a manner that ensures access for at least 30 years after use or disposal of your gametes or embryos. After 30 years your record

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may be destroyed by shredding or deleting. However, any records containing donor gamete information should never be discarded.

- If you saw us for appointments that did not result in the use or storage of your gametes, then your health record must be retained for a minimum of 8 years in line with the Retention Schedules Records Management Code of Practice for Health and Social Care

<https://digital.nhs.uk/media/1159/Retention-schedules-Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016/xls/RMCOP-retention-schedules>

- Our policy is to keep all of our records for at least 30 years, however, if after 8 years you would like us to review your data to see if we can delete it then please let us know.

### **Information we hold about you for marketing purposes**

If you are interested, we ask you to positively opt in, via a MailChimp sign up form, to our e-marketing database that is used specifically to send you news about the clinic, its service and treatments, our events and any promotions. Your first name, last name and email address is collected by our e-marketing service, MailChimp, who are committed to achieving compliance with the GDPR.

You can unsubscribe from our emails at any time. We will delete any individual subscribers upon their request and, we will not penalise anyone who wishes to withdraw their consent. An unsubscribe option is automatically included in the footer of every campaign sent through MailChimp. We also include a preferences link in the footer of many emails to meet the right of access requirement.

We collect information from you when you visit our website, request a file download or complete a brochure, open evening, appointment request or enquiry form. When completing a form you may be asked to enter your name, telephone number, email address and other information. The information we collect through our forms may be used in the following ways:

- To personalise your experience;
- To administer a promotion, survey or other site feature;
- To contact you via telephone or by email with relevant information relating to your form fill, for example an event reminder that you have expressed interest in, a follow up and further relevant information to an enquiry or download that you have expressed interest in;
- To evaluate the success of our marketing efforts.

The data you submit in an online request form is kept in a password protected secure spreadsheet. These spreadsheets are only accessible to staff working in Administration, Marketing and the Donor Team.

The data you submit in an online feedback form is kept in a password protected secure spreadsheet, accessible only to staff working in Quality Control.

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Our website, [www.completefertility.co.uk](http://www.completefertility.co.uk), is encrypted to provide secure hosting to ensure any data submitted is secure.

The data you submit on the referral portal site [www.whatclinic.com](http://www.whatclinic.com) is kept in a password protected secure spreadsheet and is used to liaise with you regarding your healthcare needs and to evaluate the success of the What Clinic website referral system.

In compliance with the GDPR, we do not pass your data on to any third party unless you specifically give us permission to.

### **Adverse incidents**

If any of your information is disclosed inappropriately at any point whilst we are in possession of it, we would consider this an adverse incident and declare it to the ICO

and to the HFEA. We would contact you to let you know about the incident and what we are doing to investigate and resolve it.

### **Making a complaint**

If you wish to make a complaint about any aspect of how your health records have been kept by us you may do so by contacting our complaints officer via 02381 20 6980 or [info@completefertility.co.uk](mailto:info@completefertility.co.uk). If you wish to complain to a supervisory authority you may contact the Human Fertilisation and Embryology Authority or the Information Commissioners Office.

### **Your rights regarding your information**

- You have a right to request a copy of your records at any time during your care. Information must be provided to you within 1 month of the request. There is no charge for this.
- Please contact our administration office for further details.
- You have a right to have your data rectified if it is inaccurate or incomplete.
- You have a right to restrict processing of your data in certain circumstances.

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