

DATA FAIR PROCESSING & PRIVACY NOTICE FOR PATIENTS

As you may be aware, the law governing data protection changed on 25 May 2018. In a digitally led, modern world the previous legislation surrounding data protection had become outdated and the "General Data Protection Regulation" (GDPR) is being introduced to give you more clarity and better protection in respect of how and why your data is being used.

Your Data Protection Rights

A pivotal aspect of GDPR is providing transparency to our patients about how we will use their personal information.

The following notice outlines your rights in respect of the above legislation and how we will use your information for lawful purposes in order to deliver services to you.

Data Controller

Total Physiotherapy Limited is a "data controller". This means that we are responsible to you in respect of 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.

What information do we collect and use?

We will collect, store, and use personal data 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).

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care. We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- "Personal data", which includes (but is not limited to) your name, date of birth, full postcode, address, next of kin, email address; and
- "Special category data", such as medical history. This includes (but is not limited to) details of appointments and contact with you, medication, clinical notes, treatments, race, ethnic origin, genetics and sexual orientation.

Your treatment records contain information about your health and any treatment or care you have received previously, and in some circumstances may include referrals from public health bodies such as GP surgeries and hospitals. These records may be in a paper format, electronic, or a mixture of both. We use a combination of technologies, policies and general working practices to ensure that we keep your personal information safe and secure.

Why do we collect and process this information?

The information that we collect and store relating to you is primarily used to enable us to provide our services to you, and to meet our contractual commitments to you. In addition, we may use the information for the following purposes:

- We hold your treatment records so that we can provide you with safe care and treatment. We will also use your information so that we can check and review the quality of the care we provide. This helps us to improve our services to you;

- To notify you about any changes to our website, such as improvements or service/product changes, that may affect our service;
- If you are an existing customer, we may contact you with information about goods and services similar to those that were the subject of a previous sale to you;
- Where you have consented to receive such information, to provide information on other parties' products or services that we feel may be of interest to you;
- Where appropriate to do so or where you have registered to receive our e-newsletters, to provide copies of our newsletter to you.

Legal Obligation to Share Data

In certain circumstances we may be legally required to share information, such as if we are mandated to do so by a court order, to assist in fraud prevention or to aid regulatory bodies.

Where you have provided consent for us to do so, we may also provide you data to select third parties who may contact you about their goods or services that we think may be of interest to you.

If you do not want us to use your data for marketing or sales purposes, you will have the opportunity to withhold your consent to this when you provide your details to us using the form we complete to collect your data, or you can do so by writing to our registered office; Total Physiotherapy Limited, 10th Floor 1 City Approach, Albert Street, Eccles M30 0BG, or by speaking directly to reception in one of our clinics.

Where we store and transfer your data

As part of the services offered to you, for example through our website, the information you provide to us may be transferred to and stored in countries outside of the European Economic Area (EEA) as we use remote website server hosts to provide the website and some aspects of our service, which may be based outside of the EEA, or use servers based outside of the EEA - this is generally the nature of data stored in "the Cloud". It may also be processed by staff operating outside the EEA who work for one of our suppliers, e.g. our website server host, or work for us when temporarily outside of the EEA.

A transfer of your personal data may happen if any of our servers are located in a country outside of the EEA or one of our service providers is located in a country outside of the EEA. If we transfer or store your personal data outside the EEA in this way, we will take steps with the aim of ensuring that your privacy rights continue to be protected, as outlined in this privacy policy and in accordance with the DPA and GDPR. If you use our service while *you* are outside the EEA, your personal data may be transferred outside the EEA in order to provide you with these services.

We do not use or disclose sensitive personal data, such as race, religion, or political affiliations, without your explicit consent.

We may disclose your personal data outside of our group:

- a. in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets; and
- b. if the Total Physiotherapy Limited's business is bought by a third party, in which case personal data held by it about its customers will be one of the assets to transfer to the buyer. However, any such transfer will only be on terms that the confidentiality of your personal data is protected and that the terms of this privacy policy will continue to be complied with by the recipient.

Otherwise, we will process, disclose or share your personal data only if required to do so by law or in the good faith belief that such action is necessary to comply with legal requirements or legal process served on us or the website.

Information is not held for longer than is necessary.

Security

We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

The transmission of information via the Internet or email is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of data while you are transmitting it to our site; any such transmission is at your own risk. Once we have received your personal data, we will use strict procedures and security features to try to prevent unauthorised access.

Where we have given you (or where you have chosen) a password so that you can access certain parts of our site, you are responsible for keeping this password confidential. You should choose a password it is not easy for someone to guess.

Third Party Websites

Where you access links to third party websites through our website, such websites should have their own privacy policies. You should ensure that you check third party privacy policies and we accept no responsibility or liability for their policies whatsoever.

Use of cookies

Our Website uses cookies. We use cookies to gather information about your computer for our services and to provide statistical information regarding the use of our website. Such information will not identify you personally; it is merely statistical data about our visitors and their use of our website. This statistical data does not identify any personal details whatsoever.

We may also gather information about your general internet use by using a cookie file. Where used, these cookies are downloaded to your computer automatically. This cookie file is stored on the hard drive of your computer, as cookies contain information that is transferred to your computer's hard drive. They help us to improve our website and the service that we provide to you. All computers have the ability to decline cookies. This can be done by activating the setting on your browser which enables you to decline the cookies.

Please note that should you choose to decline cookies, you may be unable to access particular parts of our website. Where we work with advertisers on our website, our advertisers may also use cookies, over which we have no control. Such cookies (if used) would be downloaded once you click on advertisements on our website.

Consent and Objections

Do I need to give my consent?

Under GDPR, consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However, consent is only one of six potential lawful bases for processing information.

We may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. If we are required to share your information for any other purpose which is not mentioned within this notice then we will contact you to advise you accordingly. In the event we need consent from you, such consent will be documented within your electronic patient record.

If consent is not the legal basis for processing the data it may be that we are still able to legally process the data without your consent, this would be communicated to you.

Invoice Validation

If you have been referred to us for services through a third party, such as an insurance provider, such a third party may require access to your personal information to determine responsibility for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the third party to enable them to process the bill. Additional details are kept confidential outside of this process and in this circumstance we will not share information above and beyond what is necessary to clarify the validation.

Changes to this policy

We may update these policies to reflect changes to the website and customer feedback. Please regularly review these policies to be informed of how we are protecting your personal data.

We welcome any queries, comments or requests you may have regarding this Privacy Policy. Please do not hesitate to contact us at Total Physiotherapy Limited, 10th Floor 1 City Approach, Albert Street, Manchester M30 0BG.

Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”. If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be our clinic, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your records please submit your request in writing to:

Total Physiotherapy Limited
10th Floor 1 City Approach
Albert Street
Manchester
M30 0BG

Complaints

In the event that you feel we have not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** for the attention of the Practice Manager at the clinic you attended, or to our head office at:

Total Physiotherapy Limited
10th Floor 1 City Approach
Albert Street
Manchester
M30 0BG

If you remain dissatisfied with our response you can contact the Information Commissioner’s Office (**ICO**) at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF.

In the alternative, you can contact the ICO enquiry line: **0303 123 1113** or submit an online at www.ico.gov.uk

We are required by law to provide you with the following information about how we handle your information.

Data Controller contact details	Total Physiotherapy Limited 10 th Floor 1 City Approach Albert Street Manchester M30 0BG
Data Protection Officer contact details	Matthew Dootson 10 th Floor 1 City Approach Albert Street Manchester M30 0BG
Purpose of the processing	<p>To provide treatment to patients, including referrals to other healthcare providers or receiving referrals from third parties, providing the appropriate advice and conducting investigations where appropriate.</p> <p>To conduct audit and provide governance; that is, to check and review the quality of treatment being provided.</p> <p>To communicate with our customers regarding services we provide.</p>
Lawful basis for processing	<p>These purposes are supported under the following sections of the GDPR:</p> <p><i>Article 6(1)(b) 'processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract';</i></p> <p><i>Article 6(1)(c) 'processing is necessary for compliance with a legal obligation to which the controller is subject';</i></p> <p><i>Article 6(1)(f) 'processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child'; and</i></p> <p><i>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...'</i></p> <p>Where appropriate, staff will also respect and comply with their obligations under the common law duty of confidence, such as in relation to treatment received in our clinics.</p>
Recipient or categories of recipients of the processed data	<p>As advised above, where appropriate, data may be shared with:</p> <ul style="list-style-type: none"> • other healthcare professionals; • professional organisations involved in your referral for our services; • other professional organisations the provision of auditing and governance services;

	<ul style="list-style-type: none"> • governmental or public functions where legally required to do so.
Rights to object	<p>In certain circumstances, you will have the right to object to information being shared. This may affect the treatment you receive, so if you have any queries on this point please contact the data protection officer.</p> <p>You are not able to object when information is legitimately shared for safeguarding reasons or where we are legally obligated to do so. In appropriate circumstances it is a legal and professional requirement to share information.</p>
Right to access and correct	<p>You have the right to access your treatment records and have any errors or mistakes contained within your records corrected.</p> <p>Should you wish to access your information, please speak to a member of staff regarding making a “<i>subject access request</i>”.</p> <p>In the event entries in your treatment records are correct or form a medical opinion, we are not aware of any circumstances in which you will have the right to delete or amend such information.</p> <p>If you believe there is no lawful purpose for us to hold certain information, you are welcome to seek legal advice on the above points.</p>
Retention period	<p>Treatment records are retained in line with the law and national guidance.</p> <p>If you have a more specific query, please speak to the practice directly.</p>
Right to complain	<p>You have the right to complain to the Information Commissioner’s Office (ICO).</p> <p>If you wish to complain to the ICO, you can contact them on the following link: https://ico.org.uk/global/contact-us/</p> <p>Or, in the alternative, call the ICO helpline on 0303 123 1113</p>