

# Privacy Notice – HCA Healthcare UK

## Introduction

**Data Protection Laws set out the obligations HCA UK has to you for the processing of your Personal Data. When we use or disclose your personal data we will comply with these Laws.**

Your Personal Data is data which by itself or with other data available to HCA International Limited (HCA UK) can be used to identify you as an individual. HCA UK is the Data Controller. This Privacy Notice sets out how HCA will use your personal data. You can contact our Data Protection Officer (DPO) at 242 Marylebone Rd, Marylebone, London NW1 6JL, or at [DPO@hcahealthcare.co.uk](mailto:DPO@hcahealthcare.co.uk) if you have any questions.

## The types of personal data we collect and use

We will use your personal data for the reasons set out below. We will collect most of this directly during the registration and/or admission process but there may be sources of personal data collected indirectly as set out later in this document. The personal data we use may include:

- your name, address and contact details, including email address and home and mobile telephone numbers. If you provide these details, we may use them to contact you unless you ask us not to. This could include emails, text or voicemail messages;
- date of birth and gender;
- your previous and current medical health records whether provided by HCA UK or other third parties;
- the terms and conditions of your contract with us for the provision of healthcare and related services;
- your bank account and national insurance number if you are a 'self-pay' patient or the financial information of the company or individual who is responsible for the payment of invoices/bills relating to your care (e.g. insurer, sponsor or Guarantor);
- we will take a swipe of your debit or credit card. We will let you know if we intend to take a payment from this card before we do so;
- Information about your marital status, next of kin, dependants nominated and/or emergency contacts;
- Information about your nationality and entitlement to treatment in the UK;
- Information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- Information about medical or health conditions of your family;
- Information received in response to any surveys, complaints claims;

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- Equal opportunity monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief; and
- Information about how you use our website.
- If you are employed by HCA UK we will also hold and process other information relating to your employment (You can obtain a copy of the Staff Privacy Notice from the HR team)
- If you are a Consultant/ Doctor or other healthcare provider you are not employed by HCA UK but we will also hold and process other information relating to the clinical services you carry out. (You can obtain further information from the facility CEOs or your clinical contact.

This data may also include visual images, personal appearance and behavior e.g. where CCTV is used as part of our building security measures.

HCA UK may collect this information in a variety of ways. For example, data might be collected through Registration and Admission forms; obtained from your passport or other identity documents such as your driving licence; from pre-admission forms, online web forms completed by you at the start of your treatment; from correspondence with you; through the Admission and Registration process or through interviews, meetings or other assessments.

In some cases, the organisation may collect personal data about you from third parties, such as insurer providers, referral agencies, sponsors, checks permitted by law.

## **Providing your personal data**

We will tell you if providing some personal data is optional, including if we ask for your consent to process it. In all other cases, we need you to provide your personal data so we can provide care and treatment to you and receive payment for these services.

## **Monitoring of communications**

Subject to applicable laws, we may monitor and record telephone calls, emails, text messages, social media messages and other communications in relation to our dealings with you. We will do this to ensure an appropriate standard of care, for regulatory compliance, self-regulatory practices, crime prevention and detection, to protect the security of our communications networks and systems, to check for unlawful content, obscene or profane content, for quality control and staff training, and when we need to see a record of what has been said. We may also monitor activities on our network and systems where necessary for these reasons and this is for our legitimate interests or other legal obligations.

## **Using your personal data and the legal basis for processing**

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*We will process your personal data under Article 6 (1)b; Article 9 (2)h of the General Data Protection Regulations:*

- To support the provision of your healthcare;
- To decide how best to provide treatment to you;
- As necessary to support the healthcare contract with you and to allow us to receive [full] payment for those services;
- To take steps at your request during the course of your treatment;
- To keep your records up to date;

*We will process your personal data under Article 6 (1) f of the General Data Protection Regulations:*

- As necessary for our own legitimate interests or those of other persons and organisations;
- For good governance, accounting, and managing and auditing our clinical and business operations both internally and by third parties;
- For surveys of patient experience and quality of care;
- To monitor emails, calls, other communications, and activities on HCA networks and systems;
- For market research, other surveys and analysis and developing statistics for improving clinical performance; and

*As necessary to comply with a legal obligation:*

- When you exercise your rights under data protection law and make requests;
- For compliance with legal and regulatory requirements and related disclosures;
- For establishment and defence of legal rights;
- For activities relating to the prevention, detection and investigation of crime;
- To verify your identity, make credit fraud prevention and anti-money laundering checks; and
- To investigate complaints, legal claims and data protection or clinical incidents.

Based on your consent:

- With your next of kin or other nominated contact;
- If you ask us to disclose your personal data to other people or organisations such as a company handling a claim on your behalf; or otherwise agree to disclosures;

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- With third parties including pharmaceutical companies and Universities and other research bodies for scientific research;
- When we process any special categories of personal data about you at your request (e.g. my racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning your health, sex life or sexual orientation).

You are free at any time to change your mind and withdraw your consent. We will advise you if the consequence of doing so is that we cannot continue to provide full healthcare services to you.

### **Sharing of your personal data**

Subject to applicable data protection laws we may share your personal data with:

- Consultants/Doctors and other healthcare professionals who provide treatment to you at our Facilities;
- Other healthcare providers including your General Practitioner (GP) where we believe this will enhance the quality of your care. Let us know if you do not wish us to share information with your GP;
- The HCA group of companies and associated companies including entities in the United States;
- Sub-contractors and other persons who help us to provide healthcare products and services to you;
  - Companies and other persons including interpreters providing services to you as part of your extended care and post care follow-up
- Our legal and other professional advisors, including our auditors;
- Fraud prevention agencies, credit reference agencies, and debt collection agencies;
- Government bodies and agencies in the UK and overseas (e.g. HMRC who may in turn share it with relevant overseas tax authorities and with regulators including the Information Commissioner's Office and Care Quality Commission (CQC)
- General Medical Council and other professional bodies;
- Courts, to comply with legal requirements, and for the administration of justice;
- In an emergency or to otherwise protect your vital interests;
- To protect the security or integrity of our business operations and other patients;
- When we restructure or buy or sell our business or its assets or have a merger or re-organisation;
- Payment systems and providers; and

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- Anyone else where we have your consent or as required by law.

## **Sharing of your personal data to contribute to the review and publishing of information about the quality and cost of privately funded healthcare**

Subject to applicable data protection laws HCA Healthcare (HCA UK) is required to provide hospital performance data to the Private Healthcare Information Network (PHIN), which publishes information on the quality and cost of privately funded healthcare.

PHIN's goal is to help patients make more informed choices about where to go for treatment.

The Private Healthcare Information Network (PHIN) is the independent, government-mandated source of information about private healthcare. PHIN operates with a legal mandate to work with all hospitals and consultants providing private healthcare across the whole of the UK. That mandate comes from the Competition and Markets Authority (CMA) and imposes a legal duty on hospitals and consultants to submit data to PHIN as the official Information Organisation (IO) for private healthcare.

The CMA's Order is issued under the Enterprise Act 2002 and specifies 11 performance measures for PHIN to publish, by procedure, at both hospital and consultant level. These performance measures are also listed on PHIN's website at <https://media.phin.org.uk/about/our-mandate/>. Section 167(2) of the Enterprise Act provides that, "Any person to whom such an undertaking or order relates shall have a duty to comply with it".

On this basis, PHIN's lawful bases for processing private patient data is Article 6(1)(c) of the GDPR: as due to the obligations under the CMA Order the lawful basis for the processing of personal data is "necessary for compliance with a legal obligation". The same lawful basis applies to providers who have obligations under the CMA Order to disclose patient data to PHIN

Publication will be made via the PHIN website in a format that will allow patients requiring hospital treatment and their doctors to search for local private hospitals by procedure and to compare how they perform in terms of quality and safety based on treatment data. Individuals are then able to make informed choices; which Consultant to see, which treatment option to follow, and at which hospital to be treated. This information will not be in a form where individuals can be identified.

The PHIN Privacy Notice can be found at <https://www.phin.org.uk/footer/privacy-notice>

## **Sharing NHS numbers**

Your NHS number may be shared with PHIN as part of the process above. An additional reason for obtaining the NHS Number relates to HCA UK's intention to access the UK Child Protection Information Sharing (CP-IS) system in order to facilitate the sharing of information between health and local authorities where a child may be at risk of being

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neglected, maltreated or abused.

HCA UK ensures all the information it holds is kept safe and confidential.

## **Sharing of your personal data for scientific research purposes**

Subject to applicable data protection laws and your explicit written consent we may share your personal data for the purpose of scientific research.

## **Sharing of your personal data for marketing purposes**

Subject to obtaining your written consent and communications preferences we may use your contact details to send you newsletters and other information on new Facilities, services and treatments which we think may be of interest to you. We will not sell your personal data to a third party without your written consent.

You are free at any time to change your mind and withdraw your consent. Please contact [consent@hcahealthcare.co.uk](mailto:consent@hcahealthcare.co.uk). This will not affect the healthcare services we provide to you.

## **Sharing of your personal data in order to receive payment for your treatment from your Insurer, sponsor or guarantor**

We will contact the individual or company including your insurer and provide them with the information necessary to support our invoices for payment and to ensure that we receive full payment for your care. We may also contact them prior to your care to confirm that the treatment you are about to receive is covered by them and they are willing to pay for your care. We will also provide information necessary to support any audits carried out by insurers and sponsors.

## **International transfers**

Your personal data may be transferred outside the UK and the European Economic Area. While some countries have adequate protections for personal data under applicable laws, in other countries steps will be necessary to ensure appropriate safeguards apply to it. These include imposing contractual obligations of adequacy or requiring the recipient to subscribe or be certified with an 'international framework' of protection.

## **How long do we keep your data?**

Information will be kept in accordance with the retention periods outlined in the Information Governance Alliance (IGA) Records Management Code of Practice for Health and Social Care (2016). Information may be held for longer periods where the following apply:

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- **Retention in case of queries.** We will retain your personal data as long as necessary to deal with any queries you may have;
- **Retention in case of claims.** We will retain your personal data for as long as you might legally bring claims against us; and
- **Retention in accordance with legal and regulatory requirements.** We will retain your personal data after you have received healthcare services at our Facilities based on our legal and regulatory requirements.

## Your rights under applicable data protection law

Your rights are as follows (noting that these rights do not apply in all circumstances):

- The **right to be informed** about processing of your personal data;
- The right to have your personal data **corrected if it is inaccurate** and to have **incomplete personal data completed**;
- The right to **object** to processing of your personal data
- The right to **restrict processing** of your personal data
- The right to **have your personal data erased** (the "right to be forgotten")
- The right to **request access** to your personal data and information about how we process it;
- The right to **move, copy or transfer your personal data** ("data portability") ; and
- Rights in relation to **automated decision making** including profiling

You may exercise these rights by contacting us on [exercisingmydatarights@hcahealthcare.co.uk](mailto:exercisingmydatarights@hcahealthcare.co.uk)

You have the right to complain to the Information Commissioner's Office. It has enforcement powers and can investigate compliance with data protection law [ico.org.uk](http://ico.org.uk).

You can pick up a copy of this Privacy Notice from Reception at our Facilities or further information can be provided from our Data Protection Officer on [DPO@hcahealthcare.co.uk](mailto:DPO@hcahealthcare.co.uk)

This Notice may be translated into other languages on request.

**Last Updated: February 2020**