

Thank you for taking the time to read this notice. The information that is collected about your treatment is vital to producing important measures of healthcare safety and quality, and we hope that you will support that process. However, you have the right to exclude the use of your personal information from the production of these safety and quality measures if you choose to do so.

The Private Healthcare Information Network Limited (PHIN) is committed to safeguarding personal information. Whenever we receive personal information, we are legally obliged to use it in accordance with all laws concerning the protection of personal information, including the Data Protection Act 1998 (we refer to these laws collectively in this Privacy Notice as the 'data protection laws'). PHIN will only use personal information for the purposes set out in this Privacy Notice.

About PHIN

PHIN has been approved by the Competition & Markets Authority (CMA) as the 'information organisation' under the Private Healthcare Market Investigation Order 2014, and is responsible for collecting, processing and publishing information on the quality and costs of privately-funded healthcare in the UK. The publication of this information is intended to:

- help future patients make informed choices about where to seek treatment; and
- enable providers of care (hospitals and consultant clinicians) to improve the quality and safety of their services by better understanding their performance by comparison with other providers.

If you would like to find out more about the Competition & Markets Authority's investigation into private healthcare services, the Order, and the appointment of PHIN as 'information organisation', please refer to <https://www.gov.uk/cma-cases/private-healthcare-market-investigation>. For a summary, please see 'About PHIN' on PHIN's website.

How does sharing information with PHIN help patients?

First and foremost, patients and GPs need reliable information to inform their decisions about which care providers to choose.

Hospitals and consultants need timely and accurate information to help them to understand and improve the safety and quality of their service by comparison to others.

Regulators need this information to help identify any causes of concern, enabling them to target inspections, and helping to ensure safer care for patients.

Historically, there has been insufficient information available about the quality of private healthcare services, as noted by the Competition & Markets Authority in their Investigation.

Measures of safety and quality that are routinely produced within the NHS have not always been produced for private healthcare. Moreover, it has never before been possible to measure instances where patients treated in an independent hospital subsequently needed emergency treatment elsewhere.

What information will healthcare providers disclose to PHIN about the care that individuals receive as privately-funded patients?

PHIN never receives a patient's name, date of birth or full address. PHIN is only concerned with understanding the treatment that hospitals and doctors provide, whether that treatment was safe and effective, and whether there were any complications.

All hospitals make detailed records of the care they provide and, in respect of privately-funded treatment, they are required by the Order to share a summary of those records with PHIN. The hospitals will remove personal details from the record they submit to PHIN. The treatment record includes information such as the dates when the patient was in hospital, what treatment was carried out, and by whom. PHIN will make these records visible to the hospitals and doctors that provided the patient's care so that they can ensure that the information is accurate.

For the reasons explained below, PHIN also needs the following two pieces of information which are, in some circumstances, considered to be personal information:

- The patient's NHS Number (in England, Wales, or Isle of Man) or CHI Number (Scotland), or Health & Care Number (Northern Ireland) or passport number for overseas patients.
- The patient's postcode

Will the information disclosed to PHIN identify patients?

PHIN does not attempt to identify named individuals. Individuals cannot normally be identified from the information that PHIN receives and holds.

The NHS Number used in England, Wales and the Isle of Man is not considered to be confidential personal information, as it is simply an administrative number. It can only be used to identify an individual by an approved body (such as an NHS hospital) with access to information linking NHS Numbers with other personal details. PHIN does not have that access, and so PHIN could not use the NHS Number to obtain personal identifying details.

The CHI Number used in Scotland and the Health & Care Number used in Northern Ireland are similar, but do contain the digits of a date of birth, so are usually treated as confidential personal information¹.

In itself, a postcode does not identify an individual. However, in combination with other information, it could. As such, we treat this as personal information. PHIN does not, however, attempt to identify patients using postcode or any other information.

Why is it necessary to use the NHS Number (or equivalent)?

All surgery and medical care carries a risk of complications. Sometimes, a patient discharged after treatment at one hospital later suffers complications and is admitted for treatment at another hospital.

Where a patient moves between hospitals, it is necessary to look at both care records to understand the full picture. The only way to identify these related instances of treatment is to look for the same patient (NHS Number or equivalent) occurring in both sets of data.

Example scenario: A patient has a privately funded gallbladder operation at an independent hospital that seems to go well, and the patient is discharged to go home. However, the patient later experiences significant pain, calls an ambulance, and is admitted to a nearby NHS hospital.

Using the information it receives from both hospitals, PHIN would be able to identify the possibility that the emergency treatment in the NHS may be attributable to the care received at the original hospital. PHIN produces statistics about the number of these complications arising from care at each hospital. The doctors at the original hospital can use that information to consider how their care could be improved. Regulators can also use the information to consider whether any action is needed, and future patients can consider the statistics when considering whether they want to be treated at that hospital.

However, if that patient had objected to his or her personal information being available to PHIN, then the complication would probably never be recorded against the hospital that provided the original treatment. That hospital may never know that there was a problem, and patients and authorities looking at information published about the hospital may not get a complete and fair picture of the care being provided by that hospital.

¹ <http://systems.hscic.gov.uk/infogov/iga/resources/nhsnumberfaq.pdf>

How does this process work?

PHIN receives NHS Numbers (or their equivalent) for each record of care and passes a list of them to the relevant information authorities (listed below), who check for any related emergency hospital admissions or deaths occurring within a short time period (30 days from discharge). They in turn pass the record of any subsequent hospital admissions back to PHIN, again with all personal details such as name and date of birth removed.

The information authorities with which PHIN co-operates are:

- for England, the Health and Social Care Information Centre (HSCIC);
- for Wales, the NHS Wales Informatics Service;
- for Scotland, the Information and Statistics Division;
- for Northern Ireland, the Health and Social Care Board; and
- for UK-wide mortality data, the Office of National Statistics.

These public bodies collect and process details of all admissions, outpatient appointments and A&E attendances at the NHS hospitals in their respective jurisdictions.

This process enables PHIN to reliably identify any instances where a patient treated privately at a UK independent hospital has suffered subsequent complications and has either been transferred to another hospital, readmitted to another hospital as an emergency, or has died. The causes of readmission or death are also recorded.

Please note that PHIN passes only the NHS Number (or equivalent) to these information authorities; the record of a patient's treatment is not transferred. As such, no NHS or government body is able to see details of privately-funded care received in an independent hospital via PHIN

Is any other use made of the NHS Number?

PHIN will not use a patient's NHS Number for any purpose other than producing important measures of performance on safety and quality as explained in this notice.

Currently, the performance measures that can be produced this way are:

- Unplanned transfers of care between hospitals (per Article 21.1(g) of the Order)
- Unplanned readmissions to hospital (per Article 21.1(d))
- Mortality (death in hospital or within 30 days of discharge from hospital, per Article 21.1(f))

It may become possible in the future to produce other safety and quality measures on a similar basis. Specifically, PHIN considers this to be the case with the following:

- Revision surgery rates (Article 21.1(e)) which means the proportion of operations where a second operation is later needed, for example to improve the surgical outcome or replace a worn prosthesis. This would typically be measured over a period of 1, 3, 5 or 10 years after surgery.

Why is it necessary to use the patient's postcode?

People from some areas of the country tend to have greater healthcare needs than those from other areas of the country: for example, people from urban areas tend to have greater needs than people from rural areas, and people from less affluent areas tend to have greater needs than people from more affluent areas.

We use the postcode to make allowance for this variation in calculating performance measures. For example, where two hospitals seem to have similar outcomes, but one serves patients who would typically have greater needs, statisticians may be able to make a suitable adjustment to reflect that fairly.

When doing so, we will either use the adjustment methodologies used in the NHS, or those recommended by expert organisations such as the Royal College of Surgeons.

Will PHIN give patient information to anyone else?

PHIN will only disclose records of care or personal information as follows:

- to the non-departmental public bodies listed for the purpose of identifying related records of care (see 'How does the process work?');
- as required by law or where there is an overriding public interest; and/or
- to investigate or prevent fraud.

PHIN may also make use of suitable data processors as defined in the Data Protection Act 1998; in such a case, those data processors would be acting on PHIN's behalf and all aspects of this Privacy Notice would continue to apply.

PHIN will never use or share personal information for marketing purposes.

How and where will PHIN store patient information?

PHIN stores all patient information in its data centre, accredited to international information security standards, located in the UK and therefore protected by EU data protection legislation. As an additional layer of protection all personal information is stored in an encrypted format. Patient information will never be transferred outside of the European Economic Area.

PHIN will only store records of care for as long as necessary, typically six years.

Is patient information safe?

PHIN ensures all the information it holds is kept safe and confidential at all times.

PHIN processes data in accordance with strict safeguarding rules and security procedures aligned to NHS practice, demonstrated by adherence to NHS England's Information Governance (IG) Toolkit.

Notable measures include the following:

- All storage and processing of information takes place at a UK data centre accredited to the internationally recognised ISO 27001 standard, protected by European data protection legislation at all times.
- All computers accessing that data are password protected, encrypted and owned and administered by PHIN.
- Access is limited to staff who are suitably qualified and trained.
- PHIN's security structure is periodically tested (penetration or 'pen' tested) by an expert independent company.

Further information on PHIN's information governance can be found on the website.

Do patients have to give consent?

No. If a patient does not consent, the hospital will provide a record of their treatment to PHIN, but will not provide the NHS Number or postcode. However, this means that PHIN will be unable to use the records of that patient's care in the analysis that it uses to produce the safety and quality indicators about hospitals and consultants.

If a patient previously gave consent but has since changed their mind, they should contact their hospital.

If a patient previously withheld their consent but would now like their data to be included in this important analysis, they should contact their hospital.

Does it matter whether a patient gives consent?

Yes. As explained above, their information will be used to help produce measures of safety and quality that are essential to learning and improvement, regulation and decision-making. Simply put, if all patients (or even a significant minority) were to withhold their consent, these critical measures could not be produced.

If a patient's care is funded by the NHS, will the healthcare provider disclose information to PHIN about the care that patient received?

As with privately-funded care, a hospital must keep a record of the care provided to every NHS-funded patient. Those records are routinely submitted to the NHS. PHIN will receive a summary of that record, either directly from the hospital, or from the relevant health authority. Personal details such as name, street address and date of birth are removed, and PHIN will not receive them.

Although PHIN's remit principally concerns privately-funded care, it is essential to consider all the treatment carried out by a particular consultant or hospital in order to give a complete and fair picture, and to know that any issues have been identified.

Can patients access the information PHIN holds about them?

The Data Protection Act 1998 gives all individuals the right to make a 'Subject Access Request' to obtain a copy of any information that any company ('data controller') holds about them. PHIN maintains a Subject Access Request Policy, in compliance with the Act.

However, please note that PHIN cannot normally identify individuals from the data held. Applications would need to provide their NHS Number Card (or equivalent in Scotland or Northern Ireland) and further proof of identity, in order to access any information held.

Any access request may be subject to a fee of £10 to meet PHIN's costs in providing the person with details of the information it holds about them.

Changes to PHIN's Privacy Notice

Any changes PHIN may make to this privacy notice in the future will be posted on PHIN's website.

Contacting PHIN and finding out more

To contact or find out more about PHIN please visit our web site (www.phin.org.uk) or write to us at info@phin.org.uk.