



Benchmarking Network

## NHS BENCHMARKING NETWORK

### FAIR PROCESSING NOTICE

Version 0.15, September 2022

#### Version control

Date completed	Version	Summary of changes
18 <sup>th</sup> May 2018	V 0.01	First draft
23 <sup>rd</sup> May 2018	V 0.02	Second draft – additions by DH
25 <sup>th</sup> May 2018	V 0.03	CH
31 <sup>st</sup> July 2018	V 0.04	DH
15 <sup>th</sup> October 2018	V 0.05	CH
15 <sup>th</sup> May 2019	V 0.06	DH
16 <sup>th</sup> October 2019	V 0.07	CG
12 <sup>th</sup> February 2020	V 0.08	Merger of FPN and National Opt Out FPN
13 <sup>th</sup> March	V 0.09	New DPO contact and new project added
8 <sup>th</sup> December 2020	V0.10	Projects collecting patient level data reviewed
22 <sup>nd</sup> February 2021	V0.11	Projects collecting patient level data reviewed
20 <sup>th</sup> January 2022	V0.12	Projects collecting patient level data reviewed
6 <sup>th</sup> April 2022	V0.13	Projects collecting patient level data reviewed
8 <sup>th</sup> June 2022	V0.14	Projects collecting patient level data reviewed

3 <sup>rd</sup> September 2022	V0.15	CVD Prevent update and change of DPO
<b>Who are we?</b>  The NHS Benchmarking Network team (Benchmark Management Consulting Ltd) is a subcontractor to East London NHS Foundation Trust (ELFT) (host of the Network). The Network team's ICO number is Z1624069.		
<b>What do we do?</b>  You can find out more about the Network at the following link <a href="https://www.nhsbenchmarking.nhs.uk/membership-benefits/">https://www.nhsbenchmarking.nhs.uk/membership-benefits/</a> but in summary we are a member led organisation, with subscription fees funding the benchmarking work programme. Membership subscription is open to all commissioners and providers of publicly-funded health and social care services, across all four countries of the UK. National bodies may also be members of the Network, subject to agreement by the NHS Benchmarking Network's Steering Group.  We are also commissioned (contracted via ELFT) by organisations such as NHS England (NHSE) and the Healthcare Quality Improvement Partnership (HQIP) to undertake work which means that we may process anonymised, pseudonymised or limited Personal Confidential Data (PCD) on their behalf.		
<b>What data do we hold and for what reason?</b>  <b>Patient/Service User Data</b>  We generally only process anonymised data and organisational level data. We may process anonymised, pseudonymised or limited Personal Confidential Data (PCD) on behalf of data controllers. Under the General Data Protection Regulation, we will be lawfully using information in accordance with: -  <i>For public sector organisations that commission us, Article 6 1 (b) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller</i>  <b>PLEASE NOTE</b> – it is for the data controllers that commission our service to establish the legal basis for using special categories of personal data under Article 9 of the General Data Protection Regulation.  <b>Membership Details</b>  As we provide a membership service, we hold information linked to member organisations that includes a key contact for each of the member organisation, key contacts for the various Network benchmarking projects including names, addresses and contact details. We also keep information to enable us to invoice your organisation for Network membership. Under the General Data Protection Regulation, we will be lawfully using information in accordance with: -  <i>Article 6 1 (b) Necessary for performance of/entering into contract with you</i>		
<b>What projects are we involved with that collect Patient/Service User Data?</b>		

The following Network benchmarking projects (this is subject to change and this Fair Processing Notice is updated on a regular basis) collect data which is at patient / service user level: -

- The [National Audit of Care at the End of Life \(NACEL\)](#) England and Wales commissioned by HQIP. Under GDPR, the lawful basis used by these quality improvement projects to process personal data is: performance of a task in the public interest (article 6(1)(e)) to ensure high standards of quality and safety in health care (article 9(2)(i))
- The [National Audit of Care at the End of Life \(NACEL\)](#) Northern Ireland commissioned by the Public Health Agency, Northern Ireland.
- **Improving standards in Learning Disability Services** – commissioned by NHS England and NHS Improvement.
- The **Managing Frailty in Acute Settings** Network project collects a small service user audit to complement the organisational level data collection. This is part of the Network's core work programme.
- The **Intermediate Care benchmarking project**, part of the core Network programme, collects a service user audit and Patient Reported Experience measure.
- [CVDPrevent \(Workstream 3\)](#) - commissioned by HQIP, England only. Aggregated data with small numbers suppressed only and therefore do not process personal data as regulated in the UK GDPR and the Data Protection Act 2018.
- **Complex Patients in South West Mental Health Trusts** – commissioned by NHS England and Improvement South West.
- **Complex Patients in South East Mental Health Trusts** – commissioned by Kent and Medway NHS and Social Care Partnership Trust.
- **Complex Patients in Oxleas NHS Foundation Trust** – commissioned by Oxleas NHS Foundation Trust
- **Complex Patients in Betsi Cadwaladr University Health Board** – commissioned by NHS Wales National Collaborative Commissioning Unit
- **Children and Young People's Mental Health workforce** commissioned by Health Education England
- **Prison's workforce** commissioned by Health Education England
- **Patient acuity and complexity analysis** – commissioned by St Andrew's Healthcare
- **Eating Disorders** – commissioned by NHS Wales National Collaborative Commissioning Unit

## Using the data

### 1. Research purposes

The data from the National Audit of Care at the End of Life (NACEL) may be used for clinical audit, service evaluation or research purposes. All requests for the use of this data will be logged and managed via the Healthcare Quality Improvement Partnership (HQIP), as the data controller, via the process outlined in "[Accessing NCAPOP data](#)" via the data Access Request Group (DARG).

### 2. National data opt-out

The national data opt-out is a service that allows patients to opt out of their confidential patient information being used for research and planning. As a provider of services commissioned by the NHS, we are required to comply with the National Data Opt-out (<https://www.nhs.uk/your-nhs-data-matters/>). Patients have the ability to help decide how their data is used by the NHS for research and planning purposes.

As an organisation, we comply with this requirement BUT:

- As we receive very limited patient identifiable data from the NHS, it is NHS organisations who must check how your data is to be used before it is sent to us
- We will remind NHS organisations that they must check to see if the National Data Opt-out will have to be considered for any data collection activities that we are involved in.

Patients can make a choice about how their data is used by following this link <https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>.

Preferences can be changed at any point.

### **Accessing your information/Contacting the organisational Data Protection Officer**

You have the right to ask for a copy of any information that we may hold about you.

If you want to find out how to do this or need any further information about how we use your data, then please contact our Data Protection Officer: Tania Palmarielloviney, [RCI-DPO@Rcigroup.co.uk](mailto:RCI-DPO@Rcigroup.co.uk).