

# Privacy Notice – Complaints, Subject Access Requests and Freedom of Information Requests

## Plain English explanation

This Clinical Commissioning Group holds and uses limited patient data for the purposes of Complaints, Subject Access Requests and Freedom of Information Requests.

We collect and store information that has been received directly from you or organisations such as Local Authority and GP Practices if you are a patient with the Continuing Healthcare, IFR or Medicines Management Team.

Under GDPR and the Data Protection Act 2018, you have the right to see or be given a copy of any personal data held about you by the Clinical Commissioning Group. To gain access to a copy of your information, you will need to make a Subject Access Request (SAR) to the Clinical Commissioning Group.

Under the Freedom of Information Act 2000, you have the right to request copies of non-personal information held by the Clinical Commissioning Group. To gain access to a copy of your information, you will need to make a Freedom of Information (FOI) Request to the NELCSU.foi@nhs.net

Should you wish to make a complaint to the Clinical Commissioning Group, then there may be a need for them to view and access your patient data or request some from you directly. This will allow the Clinical Commissioning Group to look into your complaint.

<b>1) Data Controller</b> contact details	Merton & Wandsworth CCG
<b>2) Data Protection Officer</b> contact details	Head of Information Governance nelcsu.dpo@nhs.net 03000 428 438
<b>3) Purpose</b> of the processing	Legal Obligations of the CCG
<b>4) The Lawfulness Conditions and Special Categories</b>	The lawful justifications for the processing and possible sharing of this data are;-  Article 6(1)(c) “the processing is necessary for compliance with any legal obligation to which the controller is subject”  Where your complaint or SAR involves processing of special category data the relevant condition for processing that data will be Article 9(2)(g) “substantial public interest” as defined by Data Protection Act 2018, Schedule 1, Part 2, Section 6(2)(a) “the exercise of a function conferred on a person by an enactment or rule of law”
<b>5) Recipient or categories of recipients</b> of the shared data	The data will be shared if required with <b>NEL (provider of complaints and FOI service)</b>

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<b>6) Rights to object</b>	<p>You have the right under Article 21 of the GDPR to object to your personal information being processed. Please contact the CCG if you wish to object to the processing of your data. You should be aware that this is a right to raise an objection which is not the same as having an absolute right to have your wishes granted in every circumstance.</p> <p>CCGs process personal data under Article 6(1)(c) on a lawful and legitimate basis where the organisation is obliged under law to comply with</p> <ul style="list-style-type: none"><li>• The General Data Protection Regulations (GDPR)</li><li>• The Freedom of Information Act</li><li>• The NHS Constitution</li><li>• The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</li></ul> <p>By complying with these laws, the CCG has compelling legitimate grounds for the processing which override the interests, rights and freedoms in the right to object.</p>
<b>7) Right to access and correct</b>	<p>You have the right to access any identifiable personal data that is being processed or shared and to have any inaccuracies corrected.</p>
<b>8) Retention period</b>	<p>The data will be retained for the period as specified in the national records retention schedule.</p>
<b>9) Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>