

Privacy Notice for Patients and Health Assessment Clients

This Privacy Notice sets out important details about information that BMI Healthcare and doctors responsible for your care, treatment and health assessments may collect and hold about you, how that information may be used and your legal rights. Please take time to read this Privacy Notice carefully and contact us if you have any questions about its content.

We will review this Privacy Notice on a periodic basis and we advise you to check back on our website for the latest version.

Who has information about me?

Our hospitals are run by BMI Healthcare Limited. Some of our hospitals (BMI Southend Private Hospital, BMI Three Shires Hospital and BMI Syon Clinic) and some of the services in some of our hospitals (the oncology service at BMI Beardwood Hospital and the imaging services at BMI Mount Alvernia Hospital and BMI Three Shires Hospital) are owned by partner companies, each of which has a management contract with BMI Healthcare and forms part of the BMI Healthcare group. A partner company also owns the CT and MRI scanners at BMI The Meriden Hospital; this service is managed by UME.

All these companies are registered at BMI Healthcare House, 3 Paris Garden, Southwark, London SE1 8ND and their full names and registered company numbers are as follows:

- BMI Healthcare Limited – 02164270
- Three Shires Hospital LLP – OC398963
- BMI Southend Private Hospital Limited – 05155289
- BMI Syon Clinic Limited – 05706302
- North West Cancer Clinic Limited (05706220) - BMI Beardwood Hospital oncology service
- BMI Imaging Clinic Limited (05706274) - imaging service at BMI Mount Alvernia Hospital
- The Pavilion Clinic Limited (06061941) – imaging service at BMI Three Shires Hospital
- Meriden Hospital Advanced Imaging Centre Limited (05607465) – MRI and CT service at BMI The Meriden Hospital

Each of these companies may, to the extent relevant, collect, retain and use information about you and we refer to these collectively as 'BMI Healthcare' in this document.

External websites

We may from time to time include on our websites links to and from the websites of other organisations. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies and notices before you submit any personal data to these websites.

Where did you get this information from and what information does BMI Healthcare hold about me?

We have information about you which you and others involved in your care and treatment (or their secretaries) or who are paying for your care and treatment have supplied to us. This is likely to include your name and contact details (postal and email addresses and phone numbers) as well as emergency contact details, including your next of kin. For our health assessment clients who come to us through their employer's health assessment benefit scheme, we have information about you which your employer has supplied to us. This is likely to include your name and contact details (postal and email addresses and phone numbers).

We may also hold more sensitive information about you, such as your current or previous physical or mental health, your sex life and/or sexual orientation, your religion, nationality, race and/or ethnicity and genetic or biometric data relating to you. This may also include details of healthcare services provided previously by BMI Healthcare and others such as GPs, dentists or hospitals, previous hospital visits and details of any medications you have been prescribed or taken. We refer to this as 'more sensitive information' in this Privacy Notice.

We may collect information from you when you visit our websites or enquire about our products or services. We may hold information about you contained in enquiry or booking forms, including through our 'make an enquiry' or 'Live Support' sections of our websites. In addition we may hold information about you that you provide in surveys or in feedback or from transactions you carry out on our websites or online payments you make.

If you call our helpline or hospitals contact our live support via our website, these telephone calls or live chats may be recorded and retained for a limited period for training and monitoring purposes and to help improve our services.

Sometimes we obtain information about you from credit reference agencies, debt collection agencies and government agencies such as HMRC or the Home Office.

In order for us to provide your health assessment, care and/or treatment, we ask that you provide as much information to us as you can. You are of course free not to disclose information to us and you should only provide such information as you feel comfortable doing so. Please bear in mind, however, that if you are only willing to share limited information, we may not be able to provide you with a full health assessment or the full range of care and treatment (as applicable), and that could mean being unable to see you at the hospital (since we may not be able to share your information in the way required in order to provide your health assessment, care or treatment, or run our business (for example, billing) and comply with our legal obligations).

How will BMI Healthcare use the information it holds about me?

We use information about you in connection with your health assessment, treatment and/or care, including tests or assessments and medical examinations. We will use this also in connection with payment of fees, including billing, invoicing and settlement of your account with us.

We may use your phone number (or email address where you have provided it to us) to contact you in advance of and after your admission or appointment for reasons connected with your health assessment, care or treatment. Where you have provided us with your mobile number or email address, we may send you confirmations/reminders of your appointments via text message or email and we may respond to your email enquiries via email.

We may also use information about you for quality assurance, maintaining our business records, developing and improving our products and services and monitoring outcomes where we believe there is a business need to do so and our use of information about you does not cause harm to you. This may include our workforce planning

and workload management systems to help support our staff and clinicians to develop and plan the most appropriate levels of care to our patients and to ensure we have got the right levels of productivity and efficiency and good outcomes for patients.

We may also use information about you where there is a legal or regulatory obligation on us to do so (such as the prevention of fraud) or in connection with legal proceedings.

We may also use information about you where you have provided your consent to us doing so.

We do not carry out automated decision making or profiling.

Please see also the more detailed information in the section below.

Will BMI Healthcare share information about me with others?

Yes; we set out these reasons below and assure you that in each case, we share only such information as is appropriate.

Sharing information with those involved in your health assessment, care or treatment (or with those who are paying for your care or treatment)

We will share your medical information with those involved in your health assessment, care or treatment (such as doctors, nurses and physiotherapists) for medical purposes (including the provision of health assessments). Some of our nursing staff and the resident doctors in our hospitals are provided by specialist staffing agencies. Consultants (such as surgeons, anaesthetists and radiologists) and some of their medical secretaries are also not employed by us. We try to ensure there is a single patient record for each patient who is seen at one of our hospitals, whether as an inpatient, outpatient or day case and we ask consultants working at our hospitals to ensure a copy of their records, including consultation records, is included in each patient's records at the hospital. In addition to this, your surgeon may also create his or her own records about you and should therefore also make available to you their own privacy notice.

The doctors, nurses and other specialists carrying out health assessments are not employed by us and deliver these health assessments to our health assessment clients under a contract with BMI Healthcare, which includes strict confidentiality requirements.

We will also share information about you with other members of staff involved in the delivery of your care (such as our housekeeping teams, medical secretaries, receptionists, and porters).

Some of those involved with your health assessment, treatment or care are external companies providing services such as blood tests and blood for transfusions, analysis of tissue samples, such as biopsies, and catering. We work with some specialist companies that are based outside of the European Union; including for specialist medical devices, bespoke prostheses and certain genomic testing. Local NHS hospitals provide some of our hospitals with support services (such as blood tests and housekeeping) and we may share information about you with these hospitals where required in connection with your care.

We may also share relevant parts of your medical information with your GP, dentist, NHS hospitals, other private hospitals and the organisation paying for your treatment (for example your insurance company, embassy, employer or NHS commissioner). For our health assessment clients who come to us through their employer's health assessment benefit scheme, please be assured that we will not share your medical information with your employer.

If we are concerned that you may be vulnerable or 'at risk', we may share information about you with the local Safeguarding Team, the specialist members of which come from the local authority, NHS organisations and the police.

We may share information about you with anyone you have asked us to communicate with or whose details you have provided as an emergency contact (such as your next of kin).

Sharing information with third parties who are not involved in your health assessment, care or treatment

We may share information about you with external organisations such as our lawyers, auditors, financial, tax and public relations advisors and NHS organisations. We may also share information about you with third party suppliers, which provide us with a secure credit/debit card storage system, document scanning and storage facilities, electronic patient and clinical staff administration and records systems and radiology imaging archiving and reporting systems. We may also share information about you with those providing us with information technology systems, this includes an incident management and recording system and a system for electronic prescribing as well as other clinical and non-clinical software applications (and related services) and website hosting. In each case, we would share only such information as was relevant.

*Sharing your information with credit checking and debt collection agencies**

If your bill is not paid on time, we may share information (such as copy invoices) with debt collection agencies. If you apply for the BMICard (which offers payment options for treatment at our hospitals), information relating to your application will be shared with the BMI Healthcare team which processes these applications and may also be shared with credit checking agencies.

Please be assured that your medical records would not be shared either with credit checking agencies or with debt collection agencies. If you do not apply for the BMICard and your bill is paid on time, then no information about you will be shared with these agencies.

* This section does not apply to health assessment clients as payment for those assessment services is made either by your employer or in advance by you where you pay for these services yourself.

Sharing with regulators or because of a legal obligation

We may share information about you with our regulators, including the Care Quality Commission, Healthcare Improvement Scotland and Healthcare Inspectorate Wales (which inspect our hospitals in England, Scotland and Wales respectively). Other regulators with whom we may share information about you include the Medicines and Healthcare products Regulatory Agency (which ensures medicines and medical devices used in the UK work and are acceptably safe), the Human Fertilisation and Embryology Authority (which regulates and inspects all our clinics providing fertility services or which store eggs, sperm or embryos), NHS England (which leads the NHS in England) and the Department of Health (the government department responsible for health and adult social care policy).

Sometimes, we are required to disclose information about you because we are legally required to do so. This may be because of a court order or because a regulatory body has statutory powers to access patients' or health assessment clients' records as part of their duties to investigate complaints, accidents or health professionals' fitness to practise. Before any disclosure will be made, we will satisfy ourselves that any disclosure sought is required by law or can be justified in the public interest. Information about you may also be shared with the police and other third parties where reasonably necessary for the prevention or detection of crime. On occasion, this may include the Home Office and HMRC.

Audits, surveys and initiatives

In common with all healthcare providers (both NHS and private), we also look at the quality of the care we provide to patients and health assessment clients and participate in national audits and initiatives to ensure that patients are getting the best possible outcomes from their treatment and care and to help patients make informed choices about the care they receive. We can assure you that your personal information remains under our control at all times and we ensure any information we provide for national audits and initiatives outside of BMI Healthcare will not contain any information in which any patient can be identified, unless it is required by law. Any publishing of this data will be in anonymised statistical form.

Following your appointment or discharge from hospital, you will be invited to complete a survey and share your views to help us improve the services we offer. We use Quality Health, an independent survey provider, to help us with this. Quality Health collates and analyses the responses received and passes these to us; unless you choose to include your contact details, we cannot identify individual patients from those responses. We offer the survey both in paper and online format and during the registration process, you will be asked if you are willing for us to share your email address with Quality Health so they can send you a link to the survey after you have been discharged. We may also ask you questions about the quality of our service at the end of our telephone-based pre-assessment screening.

One of the national programmes we participate in is run by the Private Healthcare Information Network (PHIN) which runs a website enabling patients to compare privately-funded healthcare (both hospitals and consultants). PHIN has its own privacy notice (a copy of which can be accessed via their website). We may in future share some of your personal data (NHS Number in England and Wales, CHI Number in Scotland or Health and Care Number in Northern Ireland) with PHIN. That would enable PHIN to send this Number to the relevant national information authority (for example NHS Digital in England) which can link it to national hospital and mortality data. The linked information, with your personal data removed, would then be provided to PHIN to measure quality of care, check for adverse events after discharge from this hospital, such as unplanned readmissions to hospital, emergency transfers between hospitals, or deaths following treatment. We will update this Privacy Notice to reflect when this sharing happens. Additionally, the records we send to PHIN will include your postcode to enable statistical processing. Personal information is treated with high standards of confidentiality in accordance with data protection laws and the duty of confidentiality. Any information that is published will always be in anonymised statistical form and will not identify you. This information will not be shared or analysed for any purpose other than those described in this section.

Change of hospital ownership

If we were to sell or transfer a hospital or part of our business to another organisation, your patient and health assessment records would also transfer to the new owner. Limited information may also be shared, where required, with legal and other professional advisors involved in that transaction.

The reason we would transfer your records is to minimise the disruption to current or past patients caused by the sale or transfer and to ensure we and a new owner were able to comply with our legal obligations regarding the retention of patients' and other clients' medical records and to ensure continuity of care.

Where you have provided us with consent

During the registration process, you will be asked whether you consent to us sharing your email address with Quality Health (patient survey).

You may also choose to opt in to receiving information about other services BMI Healthcare offers by post or email.

In each of these cases, your consent or decision to opt in is entirely voluntary. Should you decide not to consent or opt in or should you change your mind at any time, you do not need to give a reason and your medical care and legal rights will not be affected. You can opt-out by clicking on the ‘unsubscribe’ button in all our marketing communications.

Apart from these limited instances, we do not hold or share information about you based on (or at least solely on) consent.

What legal basis does BMI Healthcare have for using information about me?

Data protection law requires that we set out the legal basis for holding and using information about you. We have set out the various reasons we use information about you and alongside each, the legal basis for doing so. Given that some information we hold about you is particularly sensitive (as described above), we need an additional legal basis which we have set out in the third column (entitled ‘legal basis for more sensitive information’) explaining our reason for this.

Reason	Legal Basis	Legal Basis for more sensitive information
Taking an enquiry and establishing an initial patient or health assessment client record	Taking the necessary steps so that you can enter into a contract with us for the delivery of healthcare (or health assessment)	The use is necessary for reasons of substantial public interest
Making checks in the event you are applying for the BMICard	Taking the necessary steps so that you can enter into a contract with us for the delivery of healthcare	The use is necessary for reasons of substantial public interest
Providing you with health assessment services, care and/or treatment	Providing you with health assessment services, care and/or treatment Fulfilling our contract with you for the provision of care and treatment	We need to use the information in order to provide care and treatment (or a health assessment) to you The use is necessary to protect your vital interests where you are physically or legally incapable of giving consent

<p>Liaising with other healthcare professionals about your care and updating others (such as your emergency contact)</p>	<p>Providing you with care and treatment</p> <p>We have a legitimate interest in ensuring that other healthcare professionals who are routinely involved in your care (such as your GP) have full details of your treatment</p>	<p>We need to use the information in order to provide care and treatment to you</p> <p>The use is necessary for reasons of substantial public interest under UK law</p> <p>The use is necessary in order for us to establish, exercise or defend our legal rights</p>
<p>Settling your bill</p>	<p>Providing you with health assessment services, care and/or treatment</p> <p>Fulfilling our contract with you for the provision of health assessment services, care and/or treatment</p> <p>We have an appropriate business need to use your information which does not overly prejudice you</p>	<p>We need to use the information in order to provide you with a health assessment, care and/or treatment</p> <p>The use is necessary in order for us to establish, exercise or defend our legal rights</p>
<p>Providing improved quality, training and security (for example, recording or monitoring phone calls to our National Enquiry Centre) and conducting post-treatment surveys</p>	<p>We have an appropriate business need to use your information which does not overly prejudice you</p>	<p>We need to use the information in order to manage the healthcare services we deliver, including carrying out surveys (which are not a form of marketing) in order to identify and carry out any necessary improvements</p>

<p>Participation in audit and research programmes</p>	<p><i>(Some audit registries have statutory approvals or the information collected does not identify you as an individual. If that is not the case, then consent will be required and this is usually obtained directly by the relevant organisation or by us on their behalf.)</i></p> <p>Where consent is not required:</p> <p>We have a legitimate interest in helping with medical research and have put appropriate safeguards in place to protect your privacy</p>	<p><i>(Some audit registries have statutory approvals or the information collected does not identify you as an individual. If that is not the case, then consent will be required and this is usually obtained directly by the relevant organisation or by us on their behalf.)</i></p> <p>Where consent is not required:</p> <p>The use is necessary in the public interest for statistical and scientific research purposes</p>
<p>Contacting you and resolving queries</p>	<p>Providing you with health assessment services, care and/or treatment</p> <p>We have an appropriate business need to use your information which does not overly prejudice you</p>	<p>The use is necessary for the provision of health assessment services, care or treatment pursuant to a contract with a health professional</p> <p>The use is necessary in order for us to establish, exercise or defend our legal rights</p>
<p>Investigating and responding to complaints or claims, complying with our legal or regulatory obligations and defending or exercising our legal rights</p>	<p>The use is necessary in order for us to comply with our legal obligations</p>	<p>The use is necessary for reasons of the provision of health or social care or treatment or the management of health or social care systems</p> <p>The use is necessary for establishing, exercising or defending legal claims</p> <p>We need to use the information in order for others to provide informed healthcare services to you</p>

<p>Managing our business: retaining patient records, maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (such as tax, financial, legal or public relations advice)</p>	<p>Our having an appropriate business need to use your information which does not overly prejudice you</p> <p>The use is necessary in order for us to comply with our legal obligations</p>	<p><i>More sensitive information about you would not be used in all these circumstances, but where it is, the basis on which we would be doing so would be:</i></p> <p>The use is necessary for reasons of the provision of health or social care or treatment or the management of health or social care systems</p> <p>The use is necessary for establishing, exercising or defending legal claims</p>
<p>Advising you of other services offered by BMI Healthcare (marketing)</p>	<p>Our having an appropriate business need to use your information which does not overly prejudice you</p> <p>You have provided your consent</p>	<p><i>More sensitive information about you would not need to be used in these circumstances and so no reason is included here</i></p>
<p>Passing your records to a third party to whom we sold or transferred part of our business or a hospital</p>	<p>Providing you with health assessment services, care and/or treatment</p> <p>The use is necessary in order for us to comply with our legal obligations</p>	<p>We need to transfer the information in order for health assessments, care and/or treatment to be provided to you</p> <p>The transfer is necessary to protect your vital interests where you are physically or legally incapable of giving consent</p> <p>We need to transfer the information in order for others to provide informed healthcare services to you</p>

Where and for how long does BMI Healthcare store information about me?

The information about you that we hold and use is held securely in the United Kingdom and stored on our secure servers. However, in some instances, your personal information may be processed for medical purposes or (particularly information not involving your medical information, because there is a legitimate interest or it is necessary for the performance of services to you) outside the European Union ("EU") where the organisation paying for your health assessment, care or treatment is based outside the EU or where one of our suppliers is operating outside the EU. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Notice.

We retain your records for certain periods (depending on the particular type of record) under our retention of records policy. This is to ensure that information is properly managed and is available whenever and wherever there is a justified need for that information, including to support patient care and continuity of care; to support evidence-based clinical practice and to assist clinical and other audits; to support our legitimate interests, and to meet legal requirements.

If you would like more detailed information on this, please contact our Information Governance & Data Protection Officer (contact details below).

What rights do I have?

The law provides you and other patients and health assessment clients with certain rights in relation to the information about you that we hold. You may exercise these at any time by contacting our Information Governance & Data Protection Officer (contact details below) or as otherwise noted below and without adversely affecting your medical care.

There will not usually be a charge for handling a request to exercise your rights and if we cannot comply with your request, we will usually tell you why. If you make a large number of requests or it is clear it is not reasonable for us to comply with a request, then we do not need to respond or we can charge for doing so.

Right of access

You have the right to access information held about you. This includes details of what information we hold about you and a copy of that information. The information will be provided free of charge and, unless there are grounds for extending the statutory deadline, the information will be provided to you within one month of receipt of your request. Please note we will generally also ask for confirmation of your identity and may need further information from you in order to locate the information, in which case the time period starts from the date we have that detail. Please note that in some cases we may not be able to comply fully with your request, such as where your request also involves information about someone else and it would not be fair to that other person to provide the information to you.

Please contact the Medical Records Department of the Hospital where you were treated or the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to rectification

We take reasonable steps to ensure the information we hold about you is both accurate and complete. However, you are entitled to have the information rectified if that is not the case. Unless there are grounds for extending the statutory deadline, we will respond within one month of receipt of a rectification request.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to erasure (sometimes referred to as the right to be 'forgotten')

In some circumstances, you have a right to have information about you 'erased' and to prevent us using or holding information about you. Please note that we do not have to comply with such a request where it is necessary to keep your information in order for us to perform tasks which are in the public interest (including public health) or for the purposes of establishing, making or defending legal claims. If you make such a request and we comply with it, please be aware that we will retain a note of your name, the request made and the date we complied with it.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to restrict processing

In some situations, you have a right to 'block' or suppress our holding or using information about you. As with the right to erasure, please note that we do not have to comply with such a request where it is necessary to keep your information in order for us to perform tasks which are in the public interest (including public health) or for the purposes of establishing, making or defending legal claims.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to data portability

You have the right to obtain and re-use your personal data for your own purposes across different services, allowing you to move, copy or transfer personal data from one IT environment to another. This right, however, only applies to personal data you have provided to us, where the processing is based on your consent or for the performance of a contract; and when the processing is carried out by automated means.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Rights relating to automated decision making

You have the right not to be subject to a decision when it is based on automated processing (i.e. by a computer alone); and it produces a legal effect or a similarly significant effect on you. As noted above, BMI Healthcare does not carry out automated decision-making in relation to patients.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to withdraw consent

You have the right to withdraw consent to us holding or using information about you, but only if consent is the basis for us holding or using your information. Please click the 'unsubscribe' button in marketing materials or otherwise please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to object

You have the right to object to BMI Healthcare holding or using information about you in certain situations – where this is based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

Please contact the Information Governance & Data Protection Officer (contact details below) should you wish to exercise this right.

Right to complain to the Information Commissioner's Office

You can complain to the Information Commissioner's Office (ICO) if you are unhappy with the way we have dealt with a request from you to exercise any of your rights or if you think we have not complied with our legal obligations. Whilst you do not have to do so, we would appreciate you making the Information Governance & Data Protection Officer aware of the issue and giving us an opportunity to respond and to address it before contacting the ICO.

Making a complaint will not affect any other legal rights or remedies that you have. More information can be found on the ICO website: <https://ico.org.uk/> and the Information Commissioner's Office can be contacted by post, phone, fax or email as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 9 (if you prefer to use a national rate number)
Fax: 01625 524 510
Email: casework@ico.org.uk

Contacting BMI Healthcare and the Information Governance & Data Protection Officer

For further questions or to exercise any rights set out in this Privacy Notice, please contact BMI Healthcare's Information Governance & Data Protection Officer:

Information Governance & Data Protection Officer
BMI Healthcare Limited
BMI Healthcare House
3 Paris Garden
London SE1 8ND
Email: dataprotectionofficer@bmihealthcare.co.uk.