

Patient privacy notice - Hospital Episode Statistics (HES)

We process patient data to help healthcare organisations achieve sustainable improvements in their performance.

We hold pseudonymised and anonymised extracts of records about health care and treatment received in English NHS hospitals in the form of Hospital Episodes Statistics (HES) – inpatient and day case admissions, outpatient appointments and Accident and Emergency attendances. This is supplied under licence by [NHS Digital](#) via the [Dr Foster Unit at Imperial College London \(DFU\)](#).

For this pseudonymised HES data we are a data controller along with NHS Digital.

For some customers we process more identifiable data to provide the healthcare insights they require. This data will always be the minimum necessary to produce the best results, subject to the strict terms of an agreement and outlined in that provider's privacy information. In these cases we are a data processor acting only under the instruction of our customer. Any requests to exercise your data protection rights will be managed through the customer, as a controller, and passed to them in the first instance. We will help our customers ensure that their patients' personal data rights are respected.

This notice explains more about how we use your personal information as a data controller. Specifically it describes what we do with HES data supplied by NHS Digital via DFU.

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What information we hold about you

Our tools and services use HES to help healthcare customers improve their services. NHS Digital describe HES as 'a database containing details of all admissions, A and E attendances and outpatient appointments at NHS hospitals in England.' You will be included in this database if you have been a patient at an NHS hospital in England and have not opted out of your data being sent to NHS Digital.

HES data is sent by NHS Digital to the Dr Foster Unit at Imperial College London (DFU). DFU further pseudonymise the data and then transfer it securely to Dr Foster. We cannot identify individuals in this data but the additional pseudonymisation process means that authorised Dr Foster NHS customers can take an additional service through DFU to identify patients in our tools. We cannot identify individual patients in the HES data and we do not have access to the re-identification service.

A detailed explanation of HES can be found [here](#). You can manage your NHS personal data choices [here](#).

We hold a pseudonymised version of HES data. It does not include your NHS number. We cannot identify individual patients from the pseudonymised HES data that we hold.

How we use your information

We present informatics, insights and analysis to healthcare customers using our tools and services. These are described on our [website](#). Customers use our services for a number of purposes including to:

- Assess and manage clinical quality and patient safety within NHS Organisations
- Identify pathways where there is potential for improvement

- Identify areas of best practice either within the Provider Trust or local/national health economies
- Better understand how they compare to other Provider Trusts with similar case mixes
- Identify improvements in operational efficiency
- Understand patient outcomes
- Identify and understand market activity
- Monitor the impact of implemented changes
- Identify variations in outcomes

HES data is provided to us by NHS Digital under licence and under sections 261(1) and 261(2)(b)ii) of the Health and Social Care Act 2012.

Under the General Data Protection Regulation (GDPR) we must identify specific legal bases for collecting and using your data. We process HES data under the following legal bases:

- It is necessary in our legitimate interests. Our legitimate interest is in being able to provide tools and services that will benefit healthcare organisations. You have the right to object to your data being processed on the basis of legitimate interests and may opt out by managing your patient data choices [here](#).
- It is necessary for reasons of public interest in the area of public health, in particular to ensure high standards of quality and safety of health care. Although we are not a public body we provide services to help public healthcare organisations monitor and improve their services. Our processing is designed to benefit patients and society as a whole through better healthcare.

Information we share with other organisations

HES data relating to you will be shared back to your healthcare provider if they are a customer of Dr Foster with access to certain of our tools. Though we cannot identify you in the HES data your healthcare provider will be able to do so.

Statistics and analysis based on the whole HES dataset held by us will be available for all customers for purposes such as benchmarking. This data will be aggregated and will not be used to identify individual patients.

Information processed abroad

The patient data we receive from NHS Digital and from other NHS bodies is only ever processed in the UK. It is never sent abroad.

How long we keep your information

Our licence with NHS Digital provides us with a supply of HES data covering the last 15 years.

Accessing your information and other rights

You have a number of rights relating to your personal information. These include:

- Access** You have the right to request a copy of any personal information we hold about you. We will not be able to identify you from the pseudonymised or anonymised data we hold. Please contact [NHS Digital](#) for more information on how you can access HES data relating to you.
- Portability** This does not apply to the information we hold about you. If you have provided information on the basis of your consent or for a contract then you can request a digital copy so you can send it to another organisation.

- Correction** If any of the information we hold about you is incorrect or incomplete then this should be corrected through your healthcare provider or via [NHS Digital](#).
- Erasure** This is also known as the right to be forgotten. You can request that your personal information is erased if it is no longer necessary for Dr Foster to keep it, or you withdraw consent that you have previously provided, or you object and there are no overriding grounds to keep it or if it is unlawful to continue to keep it.
- You can manage your patient data choices at <https://www.nhs.uk/your-nhs-data-matters>.
- Restriction** You can request that the use of your personal information is limited to storage only and that we use it for no other purpose. This applies where you contest the accuracy of the personal information we hold, or our use of the information is unlawful, or we no longer need the information except in relation to legal claims, or you object to the use of your data and we need to verify whether or not our purpose for keeping it overrides the grounds of your objection.

Find out more about your personal data rights at the [Information Commissioner's Office \(ICO\) website](#).

How to object or withdraw consent

You can opt out of your confidential patient information being used for research and planning by visiting <https://www.nhs.uk/your-nhs-data-matters>. Opting out means that pseudonymised data relating to you will not be passed to us.

How to contact us

For general enquiries please call +44 (0)20 7332 8800 or write to Dr Foster, 3 Dorset Rise, London, EC4Y 8EN

If you have a query about your personal information rights then please contact our Data Protection Officer by email on DrFoster-InfoGovInbox@health.telstra.com or by post at: Information Governance, Dr Foster, BioCity Nottingham, Pennyfoot Street, Nottingham, NG1 1GF.

How to complain

If you feel that we have let you down in relation to your information rights then please contact our Data Protection Officer using the details above.

You can also make complaints directly to the Information Commissioner's Office (ICO). The ICO is the independent authority upholding information rights for the UK. Their website is ico.org.uk and their telephone helpline number is 0303 123 1113.