

**THE BENCHMARKING
NETWORK LTD**

Fair Processing Notice

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Who are we?

The Benchmarking Network team specialises in health and social care benchmarking, data and intelligence, utilising our extensive experience across all sectors of the health system to support our clients to deliver on the NHS Long Term Plan.

All organisations that process personal data must have a valid ICO registration, ours is Z1624069.

What do we do?

You can find out more about the work that we carry out at the following link, <https://www.thebenchmarkingnetwork.co.uk>. Our main contract is running the NHS Benchmarking Network as a subcontractor to East London NHS Foundation Trust (ELFT) who host the Network.

The NHS Benchmarking Network is 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 for different purposes.

In addition to our main contract, we work with clients to develop and deliver performance improvement strategies, drawing on our benchmarking capability and knowledge of good practice. We also facilitate workshops and seminars to assist with business strategy development and service improvement. We have extensive experience in providing highly professional and effective project management services to both commissioner and provider organisations. These projects do not involve patient level data.

You can find out more about the Network at the following link <https://www.nhsbenchmarking.nhs.uk/>.

What data do we hold and for what reason?

Staff data

We collect and store personal, sensitive and confidential data in order to employ staff.

Under the General Data Protection Regulation we will be lawfully using information in accordance with:

Article 6 1 (b) Necessary for performance of/entering into contract with you

And/or

Article 9(2) (b) Necessary for controller to fulfil employment rights or obligations in employment


And/or

Article 10 processing of personal data relating to criminal convictions and offences or related security measures

Patient/Service User Data

We generally only process anonymised data and organisational level data. We may also process anonymised, pseudonymised or limited Personal Confidential Data (PCD) on behalf of data





controllers.

Pseudonymisation is the process of replacing identifying information with random codes, which can be linked back to the original person with extra information, whereas anonymisation is the irreversible process of rendering personal data non-personal.

Under the UK General Data Protection Regulation, we will be lawfully using information, where applicable, in accordance with the Articles listed below:

Article 6(1)(E) 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

PLEASE NOTE: 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. Typically, this would also be Article 6(1)(E) as above.

Membership Details

We provide a membership service through the NHS Benchmarking Network, (The Benchmarking Network Ltd) as a subcontractor to East London NHS Foundation Trust (ELFT) (host of the Network). As such ELFT are the Data Controllers and the NHS Benchmarking Networking is the Data Processor.

As part of the 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, IP Addresses, and contact details. We also keep information to enable us to invoice organisations for Network membership.

Under the UK General Data Protection Regulation, we will be lawfully using information, where applicable, in accordance with the Articles listed below:

Article 6(1)(E) 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

Browsing Activity

To ensure the integrity and security of our survey platform, we collect IP addresses solely for monitoring purposes. Your IP address is a unique identifier assigned to your device when connecting to the internet. The collection of IP addresses is solely for the purpose of monitoring and maintaining the security of our survey platform. Your IP address will not be used for any other purpose or shared with any third parties.





What projects are we involved with that collect Patient/Service User Data?

The following Network Programmes collect data for projects. This is subject to change, and as such this Fair Processing Notice will be updated on a regular basis.

- 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. 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))
- [CVDPREVENT \(Workstream 3\)](#) - commissioned by HQIP, England only. The Audit processes anonymised data with small numbers suppressed. All data collected under these projects is done so Article 6(1)(E).
- [Member Programme](#) - Commissioned by health and social care providers, commissioners, and similar organisations, delivered on behalf of ELFT. Whilst most projects do not process personal data, we have multiple projects that conduct Clinical Case reviews and collect information on patient reported experiences, and staff experiences. All patient and staff level data is anonymous. All data collected under these projects is done so Article 6(1)(E).
- [Workforce Programme](#) – Multiple Projects commissioned by NHS England Workforce, Training & Education Directorate (NHSE WT&E). Projects process aggregated data with small numbers suppressed. All data collected under these projects is done so Article 6(1)(E).
- [Insight and Analytics Projects](#): Commissioned by health and social care providers, commissioners, and similar organisations. Multiple short- and long-term projects commissioned on an individual basis, by multiple commissioners across the UK. Projects process aggregated data with small numbers suppressed. All data collected under these projects is done so Article 6(1)(E).





Processing 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. Data Storage

We follow strict security procedures in the storage of your personal information in line with industry practices, including storage in electronic and paper formats.

We may store all the information provided to us, including information provided via forms, and information which we may collect from your browsing (such as IP addresses, clicks and page views on our websites).

We will only retain the information if a business need exists. It is not kept longer than is necessary for that purpose. To this end, The Benchmarking Network has in place and applies a formal retention policy for recorded information.

3. 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:

- 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

Under the Data Protection legislation, data subjects have the following rights with regards to their personal information:

- the right to be informed about the collection and the use of their personal data
- the right to access personal data and supplementary information
- the right to have inaccurate personal data rectified, or completed if it is incomplete
- the right to erasure (to be forgotten) in certain circumstances
- the right to restrict processing in certain circumstances
- the right to data portability, which allows the data subject to obtain and reuse their personal data for their own purposes across different services
- the right to object to processing in certain circumstances
- rights in relation to automated decision making and profiling
- the right to withdraw consent at any time (where relevant)
- the right to complain to the Information Commissioner

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, RCL-DPO@Rcigroup.co.uk.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

