

# MSK Patient privacy notice

This privacy notice explains what information we collect about you, how we store this information, how we share this information and how we keep it safe and confidential. We want you to be confident that your information is kept safe, secure and for you to understand how and why we use it to support your care. To find out more please click on the relevant hyperlink below:

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## Patient privacy notice

We want you to be confident that your information is kept safe and secure and understand how and why we use it to support your care. This privacy policy explains:

- Who we are
- Why we collect information about you
- How your information will be used
- How we keep it safe and confidential

### 1. Definitions

The following legislation will both be referred as, UK Data Protection Laws:

- EU 2016/679 GDPR: General Data Protection Regulation
- DPA 18, Data Protection Act 2018

Personal data: Any information relating to an identifiable individual such as your name, NHS number, contact details. It can also be location data or an online identifier.

Special categories of personal data are defined as: Racial or ethnic origin, politics, religious or philosophical beliefs, trade union membership, genetics, biometrics (where used for identification) information concerning your health, sex life or sexual orientation.

### 2. Who are we?

Musculoskeletal (MSK) services are provided by Virgin Care Services Limited. We are the data controller for any personal information we hold about you.

Virgin Care Services Ltd is a limited company registered in England and Wales, number 07557877. Registered office: Virgin Care Services Ltd, 6600 Daresbury Business Park, Daresbury, Warrington WA4 4GE part of the Virgin Care Group of companies.

### 3. Who can you contact regarding your personal information we hold?

Service Manager

Rob Peduto and Rupali Soni  
Service Manager

Luton CMSK Service  
Wigmore Lane Health Centre,  
Wigmore Lane,  
Luton LU2 8BG

Tel: 01582 707 374

Service Manager

Rob Peduto  
Senior Service Manager  
Luton Intermediate Care Service  
90 Tomlinson Avenue,  
Luton,  
LU4 0QQ

Tel: 01582 709067

Service Manager

Emma Anton Read  
Service Manager

North Hampshire Physiotherapy and Podiatry Service

3 Dickson House Medical Centre,  
Crown Heights,  
Alencon Link,  
Basingstoke,  
Hampshire  
RG21 7AH

Tel: 0845 058 4755

Data Protection Officer

Sarah Murray  
Virgin Care  
Progressive House  
The Heath Business Park  
Runcorn  
Cheshire  
WA7 4XJ  
Tel: 01925 302 514

Email: [information.governance@virginicare.co.uk](mailto:information.governance@virginicare.co.uk)

If you are not happy about the way your information is handled, you have the right to lodge a complaint with a supervisory authority. In the UK, this is the Information Commissioners Office (ICO).

The Information Commissioner's Office  
Wycliffe House  
Cheshire  
SK9 5AF  
Helpline: 0303 123 1113 (local rate)  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: [www.ico.org.uk](http://www.ico.org.uk)

<https://ico.org.uk/global/contact-us/>

[How to make a complaint to the ICO](#)

## 4. What are your rights

If we need to use your personal information for any reasons beyond those stated above, we will discuss this with you and ask for your explicit consent. Under the UK Data Protection Laws, you have the following rights. If you have any queries around your rights please contact the Data Protection Officer details in section 3, or use a link to our privacy portal in section 5.

The right to be informed	As a data controller, we are obliged to provide understandable and transparent information about the way we process your data (this is provided by our privacy policy).
The right of access	You are entitled to request a copy of the personal data we hold about you.
The right to rectification	You are entitled to request changes to information if it is inaccurate or incomplete
The right to erasure	Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data.
The right to restrict processing	Under certain circumstances, you may ask us to stop processing your personal data. We will still hold the data, but will not process it any further.
The right to data portability	Subject to certain conditions, you may request a copy of your personal data to be transferred to another organisation.
The right to object to processing	<p>You have the right to object to our processing of your data where</p> <ul style="list-style-type: none"> <li>• Processing is based on legitimate interest;</li> <li>• Processing involves automated decision-making and profiling.</li> <li>• Processing would be for a purpose beyond your care and treatment, e.g. direct marketing and scientific or historic research; you can opt-out to the sharing of this information under the National Data Opt-Out. Further information can be found on the following website: <a href="https://digital.nhs.uk/national-data-opt-out/">https://digital.nhs.uk/national-data-opt-out/</a></li> <li>• Friends and Family Test</li> </ul>

Please note that the above rights may not apply in all circumstances.

Keep us updated of any changes

Please let us know if you change your address or contact details etc. so that we can keep your information accurate and up to date.

## 5. How to request a copy of your record

You can request a copy of your records via our Data Subject Access Requests (DSAR) portal.

[Data Subject Rights Portal - Luton MSK](#)

[Data Subject Rights Portal - Luton Intermediate Care Service](#)

## [Data Subject Rights Portal – North Hants Physio and Podiatry Service](#)

Our portal supports the management of requests with regards to records and/or alterations/concerns. Your request will be directed to our Privacy Team which will ensure that the correct service receives your request promptly.

To progress the request you will need proof of identity as follows:

- Driving licence or Passport or Work ID badge or Bus Pass or a witness to your signature by someone who is over 18 and is not a relative, (preferably by your doctor/solicitor on their headed business paper) as proof of identity
- Bank statement or Pay slip or Utility bill or a Letter on headed paper from a local authority or similar as proof of residence.

If you are a Representative acting on a data subject's behalf you will need proof of your identity as well as proof that the data subject is freely giving consent to the request, or you have the appropriate legal authority.

If you would like more information about your records, please ask at reception, speak to the person proving your care or contact our Data Protection Officer: Sarah Murray, Head of Information Governance, Virgin Care. Email: [information.governance@virginicare.co.uk](mailto:information.governance@virginicare.co.uk)

## 6. The information we collect and use

We will collect basic 'personal data' about you such as your name, d.o.b, address and contact details. We may also ask you for more sensitive data, called 'special category data' such as your ethnicity and information about your health and outcomes of needs assessments. This information is held in written form and/or in digital form.

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received within any NHS organisation (eg information from Hospitals, GP surgeries etc). These records help to provide you with the best possible healthcare and help us to protect your safety.

In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We may collect the information from you or other trusted parties involved in your care.

We will collect basic 'personal data' about you once you register with us such as:

This may include:

- Details about you, such as your address, NHS number, next of kin and/or carer information

In addition to the above we may also hold more sensitive personal data, called 'special category data' which could include:

- Any contact the service has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health and safeguarding
- Details about your treatment and care
- Results of investigations, such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you

## 7. How we use your information

Your records are used to:

- Provide information to make health decisions made by care professional with and for you
- Make sure your care is safe and effective
- Support working with other providing your care

We may also use, or share, your information for the following purposes:

- Looking after the health of the general public
- Making sure that our services can meet patient needs in the future
- Preparing statistics on NHS performance and activity
- Investigating concerns, complaints or legal claims
- Helping colleagues review the care they provide to make sure it is of the highest standards
- Training and educating staff
- For research purposes (we will always ask your consent for this)
- Invoice Validation

Invoice validation enables us to identify which CCG is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes and uses your NHS number to validate payment. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly. [NHS Digital - how we use your information for invoice validation](#)

- The Friends and Family Test (FFT)

NHS organisations including Virgin Care Services Ltd are required to use the Friends & Family Test (FFT) to capture feedback and submit response data to NHS England each month. Patients can access the data which will then help them make informed choices about their future care.

We collect feedback from a number of channels, including SMS text messaging, online – via our Virgin Care website and paper questionnaires/feedback forms. All personal information collected is processed and stored in accordance with the Data Protection Act 2018 / GDPR 2016.

## 8. Services we provide

- Luton MSK
- Luton Intermediate Care Service
- North Hampshire Physiotherapy and Podiatry Service
  
- Luton MSK

The Luton MSK provides adults over 16 with advice and treatment for all musculoskeletal (MSK) conditions across the Luton area. We can help to treat a range of conditions, relating to:

- o Muscles
- o Joints
- o Bones
- o Tendons
- o Ligaments
- o Some nerve-related conditions.

The term 'musculoskeletal' refers to joints, nerves, muscles, tendons, ligaments, cartilage, and spinal discs. Conditions include joint pain, shoulder pain, back pain, stiffness of movement and physical disabilities. The purpose of the service is to assess, advise and treat people with a range of musculoskeletal conditions.

Our team consists of physiotherapists, extended scope practitioners (ESPs), orthopaedic, rheumatology and chronic pain consultants, as well as support staff.

More information can be found on their website: <https://virgincaremskphysio.co.uk/locations/lutoncmsk/>

- Luton Intermedicate Care Service

We provide assessments and rehabilitation within your own home and in the Luton rehabilitation beds. Our aim is to enable you to become as independent as possible after an illness or accident by supporting you after your discharge from hospital or helping to keep you at home so you do not have to go into hospital.

We will work with you, your family and any carers to provide treatment, advice and education for a wide range of conditions. Our team includes occupational therapists, physiotherapists, therapy technicians/assistants, speech & language therapy, clinical psychology and stroke coordinators. We work closely with the Luton and Dunstable Hospital and other community services such as district nursing and social care, and will refer you to the appropriate service if your needs cannot be met by our team.

More information can be found on their website: <https://virgincaremskphysio.co.uk/locations/luton-ics/>

- North Hampshire Physio and Podiatry Service

We offer adults over 16 assessment, advice, exercise and treatment to assist you with your musculoskeletal related conditions that may include problems with joints, soft tissue and muscles.

We treat any musculoskeletal (MSK) joint or soft tissue problem using a range of physiotherapy techniques including manual therapy, exercise and acupuncture. This may include problems such as shoulder pain, hip pain, knee or foot pain including arthritis. We can also help with other joint problems such as frozen shoulder, muscle tears/strains/sprains (including ankle and knee sprains), and knees locking or giving way.

If you are required to see a podiatrist for a lower limb problem, they may prescribe you with orthotics (customised insoles) or in some instances may offer an injection.

The North Hampshire Physiotherapy and Podiatry service is a community based service for the patients and GPs in the North Hampshire area. We have an experienced, professional and knowledgeable team of physiotherapists and podiatrists who can offer a wide range of treatment and advice. We aim to help you gain a good understanding of your condition in order to help you

manage it more effectively.

We have modern and clean facilities that offer a welcoming environment for our patients. We take pride in the service we offer and our aim is to provide healthcare of the highest quality.

More information can be found on their website: <https://virgincaremskphysio.co.uk/locations/north-hampshire-physiotherapy-podiatry-service/>

## 9. Who we share your information with

We may also share your information for the provision of your care or for another legal obligation with the following organisations and partners:

- NHS Trusts/Foundations
- GP's
- Community Services such as district nurses and rehabilitation services,
- Urgent care organisations, minor injury units or out of hours services
- Community and palliative care hospitals
- Care Home
- Mental Health Trusts
- Dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- NHS England (NHSE) and NHS Digital (NHSD)
- Local Authorities
- Education Services
- Police and Judicial Services
- Virgin Care Support teams
- Millbrook
- MSK Assist
- Stroke Association

When we share your information:

We may share information about you for the following purposes;

- To support your health and care arrangements including referrals, pathology and other results
- If it is in your best interests
- Recommendations for special arrangements at home
- To manage incidents that you have been involved in
- To deal with complaints and investigations
- Requests for information from official authorities or your representatives
- Your records if the service is transferring to us under contract or if you are moving out of area
- The prevention and detection of crime
- Funding requests or payments
- Integrated care initiatives
- Legal advice or proceedings
- To order equipment from Millbrook

- To participate in the Sentinel Stroke National Audit Programme
- Responding to legal requests and court orders
- Public health notifications
- To receive SMS appointment notifications and the ability to respond back to SMS appointment reminders
- To gather feedback through the friends and family test

Our partners and other recipients:

- We work in partnership with commissioners, other health and care providers such as primary care services, local authorities, NHS trusts, pathology providers etc.
- Local Safeguarding Boards
- Regulators
- We may use trusted providers to host our IT, archiving, email and texting services and surveys
- We may use corporate teams within the Virgin Care Group who provide 'back office' support on behalf of services within our group such as communications and marketing, information governance, clinical governance and IMT.

## 10. What is our legal basis for processing your information?

In order for MSK Services to legally process your information a 'lawful basis' needs to be identified. Data protection law recognises the difference between personal data and that of a more sensitive nature known as special categories of data; such as racial or ethnic origin, political opinions, religious beliefs, trade union activities and physical or mental health.

Our Legal basis for processing your personal information falls under one of the following legal bases:

- Providing and managing health and social care services to our patients service users and clients
- Performance of a task carried out in the public interest or in the exercise of official authority
- Necessary for a legal obligation such as responding to a request from a coroner
- Necessary for reasons in the area of public health such as in the event of an outbreak of a disease

Our Legal basis for processing special categories "sensitive" personal information falls under one of the following legal bases:

- We need to use the data in order to provide medical diagnosis, health and social care treatment services to you
- Social protection law for safeguarding purposes
- Where it is necessary to protect your vital interests

## 11. How long do we keep your information

We will keep your healthcare record in accordance with the national guidance: Records Management Code of Practice for Health and Social Care 2016, after which records and confidential information are securely destroyed in line with this code of practice. Please click on the link for the retention periods of the various medical records we hold. [Records retention schedules](#)

## 12. How we keep your information safe

We take the security of your personal data very seriously. We have operational policies and procedures in place to protect your information whether it is in hard copy or electronic format. We protect your information in the following ways:

### Training:

Staff are trained to understand their duty of confidentiality and their responsibilities regarding the security of patient data; this includes their mandatory annual training in data security and confidentiality to demonstrate they understand and are complying with policies on confidentiality.

### Access Controls:

Any member of staff who has access to personal confidential data will have a username and unique password. This will reduce the risk of unauthorised access to your personal data and all access is auditable.

### Technical measures:

We complete due diligence and impose contractual obligations on our trusted providers and persons working under our instruction.

We have a duty to:

- Maintain full and accurate records of the care we provide to you.
- Keep records about you confidential and secure.
- Provide information in a format that is accessible to you.

Everyone working for our organisation is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law.

The NHS Digital Code of Practice on Confidential Information applies to all NHS staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive regular training on how to do this.

The health records we use will be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018
- General Data Protection Regulation
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security

- Health and Social Care Act 2015
- And all applicable legislation

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if we reasonably believe that others involved in your care have a genuine need for it.

We will not disclose your information to any third party without an appropriate legal basis and there are exceptional circumstances (such as a risk of serious harm to yourself or others) or where the law requires information to be passed on.

## 13. How the NHS and care services use your information

Virgin Care Services Ltd is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service.

Collecting this information helps to ensure you get the best possible care and treatment. The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

## 14. Social Media and our Website

When you contact us through social media such as Facebook and Twitter, we hold your information and reason for contact in our social media management portal to enable us to easily access and manage our engagement with you. This may result in us sharing your information with other parties within the Virgin Care Group e.g. individuals involved in your care, managing your complaint etc.

When you visit our websites we collect standard internet log information and details of visitor behaviours. This is statistical data only which we collect in order to find out the numbers of visitors to the site and the pages visited. The information is collected in such a way that does not identify individuals and we do not make any attempts to identify visitors this way.

Where we do collect personal information on our website, this will be made obvious to you through the relevant pages. The following link will take you to our [Website Privacy Policy](#)

## 15. Contract end provisions

In the event of the contract with the service and Virgin Care services Ltd coming to an end, all relevant documentation and records will be transferred to the new provider (s).

The transfer of records will be conducted in accordance with the current UK Data Protection Law.

## 16. Changes to our privacy notice

We will update this privacy notice from time to time to reflect any changes to our ways of working. Please contact our Data Protection Officer if you would like more information.

Date privacy notice last updated: March 2020