

Fresenius Kabi Homecare Patient Fair Processing Notice:

Introduction

We've been requested by your clinician to provide and deliver your medical and/or nutritional requirements, and/or nursing or homecare services.

This fair processing notice explains to you (as the patient or representative of the patient) how we use your personal information to deliver your nutritional products and ancillary items to you and provide you with care.

When we use the term "we" or "us" in this fair processing notice, it means either:

- Fresenius Kabi Limited who provides products/ancillary items to you, homecare services and (where relevant) nursing services
- Calea UK Limited who (where relevant) provides pharmacy services

We're registered with the Information Commissioner's Office (ICO) to process personal and special categories of information under the Data Protection Act 2018 and our registration numbers are:

- Fresenius Kabi Limited: Z5912814
- Calea UK Limited: Z591294X.

When we refer to our services this includes the provision of medical and/or nutritional products, pharmacy services, homecare services, nursing services, training services and the delivery of medical and/or nutritional products and necessary ancillary items.

We understand and respect the importance of protecting your privacy and are committed to being transparent about why we need your personal data and what we do with it. This Fair Processing Notice provides you (as the patient or representative/carer of the patient) with information about how we will process your personal data to deliver your medical and/or nutritional products and ancillary items and/or services to you and provide you with care. It also explains your rights when it comes to your data. This is a requirement under the Data Protection Act 2018, the UK General Data Protection Regulation (GDPR) and the EU GDPR.

What is Personal Data

Personal data is information relating to natural persons who can be identified or who are identifiable, directly from the information in question; or who can be indirectly identified from that information in combination with other information.

Personal data can also include special category data which is any information about an individual that is of a more sensitive nature and requires a higher level of protection. This typically includes information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

As part of the services we offer, we are required to process personal data about our patients and, in some instances, the relatives or carers of our patients. "Processing" can mean collecting, recording, organising, storing, sharing or destroying data.

What personal information do we keep about you?

So that we can provide a safe and professional service, we collect and keep certain records about you and in some cases your relative or carer too.

We collect and keep the following types of data:

- Basic details about you, such as address, date of birth, telephone numbers, email address, next of kin or designated carer
- Records of medical and/or nutritional requirements you have been prescribed by your clinician which have been supplied by us
- Information relevant to your continued care from other people who care for you and know you well, such as other healthcare providers, NHS etc.
- Special delivery instructions and/or a second delivery address

We also collect and store the following data which is classed as "**special category**":

1. Information on your diagnosis which could include records of your nutritional and/or medical home care requirements being prescribed by your referring body.
2. Information about your medical care from other people who care for you such as other healthcare providers, for example, the NHS.
3. Details of your medical history; this could include any procedures or operations you have undergone recently and may include medical imagery.
4. Details of your GP and care services that you receive.

Where we get your personal information from:

We get your information from different sources to allow us to provide our services to you. We also collect and process information about you. The main sources of information are as follows:

- **You** - when you complete our forms, visit our websites, interact with us on social media, change your information, contact us or we visit you as part of the services we provide to you.
- **Referring Establishment** - your clinician usually provides the initial referral information to us including your full name, address and postcode and contact details and details relating to your medical and/or nutritional products you require, requirements, NHS Trust or hospital, private medical consultants, GPs or others involved in your care
- **Research and survey companies**
- **Other people** - others authorised to act on your behalf or receive your products when we carry out deliveries
- **Parent, guardian or responsible person or carer, school nurse or any other respite centres**

- **Social care and safeguarding agencies** – to enable us and them to carry out our legal obligations for patient safety and care

Why we keep personal information about you:

To provide your medical and/or nutritional products and care or services, we must keep records about you and the care we provide for you.

We will:

- keep your information confidential
- only share your information with authorised and vetted third parties, agencies or people
- use it lawfully, fairly and in a transparent way

Our staff are trained to handle your information correctly and protect your privacy and all have contractual obligations of confidentiality.

We aim to maintain high standards, adopt best practice for our record keeping and regularly check and report on how we are doing. Your information is never used for direct marketing, or any purposes unrelated to the products and services we are providing to you.

Legal basis for processing your information

Data Protection laws state that we need to have a lawful basis for processing your personal data; we will only use your personal information when permitted to do so by the law. Where we are processing information relating to your health this is a special category of data and the law states that we need to identify an additional reason to process this data due to its sensitivity. If you are an NHS patient, your referring clinician will usually obtain your consent to provide your personal information to us. Once we register you as our patient and are providing the services to you, we are a controller of your personal information.

We have set out below details of the personal information we hold about you, the reason why we have your personal data and the lawful basis we rely upon in order to process your personal data. If you have any queries about this feel free to contact us using the details below.

Reason for holding the data (where relevant)	Personal Data Categories	Lawful basis relied upon to process the information
Referral/ registration of patient & ongoing care of patients when providing homecare services	Name Address Date of Birth NHS Number Email Address Next of Kin/Carer contact information	Processing is necessary for the purposes of our legitimate interests to provide homecare services to you. We carry out a legitimate interest assessment to demonstrate that there is no good reason to protect your data that

	<p>Special category data Details of your medical and/or nutritional needs. Medical history</p>	<p>overrides those legitimate interests.</p> <p>It is necessary for us to process this data for the provision of health care treatment</p>
Provision of pharmacy services	<p>Name Address NHS Number</p> <p>Details of your nutritional formula or your medicines and the dose and frequency requirements.</p>	<p>The processing is necessary to comply with a legal obligation to which we are subject</p> <p>It is necessary for us to process this data for the provision of health care treatment</p>
Pharmacovigilance Handling Process	<p>Please refer to our adverse event privacy policy at https://www.fresenius-kabi.com/gb/data-protection-statement-for-vigilance</p>	<p>It is necessary for us to process this data for the provision of healthcare treatment and for patient safety purposes and to comply with our legal obligations.</p>
Reporting to referrer /KPIs /Quality of Care/ Auditing/statistical data	<p>Name Address Date of Birth NHS Number Email Address Next of Kin/Carer contact information</p> <p>Special category data Details of your medical/nutritional needs, patient and care notes and</p>	<p>Processing is necessary for the purposes of our legitimate interests to provide homecare services to you. We carry out a legitimate interest assessment to demonstrate that there is no good reason to protect your data that overrides those legitimate interests. and for us to comply with our contracts with the NHS. We may use this data for monitoring and performance reviews and reporting</p>

	details of your medical history	This is necessary for the provision of health care/treatment and / for patient safety
Regulatory requirements and reporting – to regulators including the Care Quality Commission and the Medicines Healthcare Regulatory Agency (MHRA).	All patient personal and special category data may be required to check the quality of your care	<p>We have a legal obligation to report to regulators or provide information if a court order has been issued or data is required for the prevention or detection of crime.</p> <p>Further reporting data is required to fulfil legal contracts. Necessary for the provision of health care treatment, and the management of health care systems or services.</p>
Referral/ registration of patient & ongoing care of patients when providing nursing services	<p>Name Address Date of Birth NHS Number Email Address Next of Kin/Carer contact information</p> <p>Special category data Details of your medical and/or nutritional needs. Medical history Medical imagery</p>	<p>Processing is necessary for the purposes of our legitimate interests to provide nursing services to you. We carry out a legitimate interest assessment to demonstrate that there is no good reason to protect your data that overrides those legitimate interests.</p> <p>It is necessary for us to process this data for the provision of nursing services.</p>

How long do we keep your information for:

We'll only hold on to your information for as long as is needed to be able to provide our services to you, or (in the case of any contact you may have with our Patient Services team) for as long as is necessary to provide support-related reporting and trend analysis.

We'll hold your information as needed for the following purposes:

- to meet legal or regulatory requirements
- resolve disputes
- prevent fraud and abuse
- enforce our terms and conditions

We may also keep some of your information, even after it is no longer needed to provide the services to you, for historical or research purposes.

Our records are kept in line with the law and national guidance including the NHS Record Management Code of Practice at <https://www.nhs.uk/information-governance/guidance/records-management-code/>

As part of providing a professional, safe and efficient service, we will record details of your medical and/or nutritional requirements as well as advice given, and referrals made to other health care professionals.

How we hold your information:

We create and hold your records electronically and sometimes in hard copy where necessary.

Any information we hold about you is held securely and is only accessible to those who are involved in your care or have a legitimate need to access the information. The information held about you will not be shared for any other reason, unless:

- you ask us to do so
- we ask and you give us specific permission
- we are required by law

How do we use your information?

Information collected about you to deliver your healthcare is used to:

- create and maintain a record of your care and treatment and to communicate with you, your hospital and healthcare professionals
- create and manage your prescription records (if applicable)
- contact you to arrange your delivery
- allow us to dispense (if applicable) and deliver the correct products to you to administer your medical and/or nutritional requirements
- where relevant enable you to view your products and services through our patient portal
- facilitate a nurse or healthcare professional to visit you (if necessary)
- answer any questions or concerns you may have and provide healthcare support
- provide pharmacy services (if applicable) to you and give you information about your medical and/or nutritional requirements
- ensure that we charge the NHS or other bill payer the correct amount for the services and products delivered to you
- provide regular reminders in accordance with your services, e.g. for deliveries, nurse visits or medical and/or nutritional requirements, provide

advice to help you to get the best from your treatment and understand your level of engagement with your treatment through statistical and monitoring information

- keep an audit trail of the services and products that we provide e.g. recording calls, system logs etc
- provide remote care, using technology platforms and assessments, as required for your service
- enhance staff safety, we utilise secure lone working devices that may be activated in emergency situations
- where your care is funded, to communicate with private medical insurance companies

We may also use your information to improve our services:

- making sure your care is of a high standard – we conduct patient engagement surveys to see how well we're doing and to help us to improve our services to you based on your feedback
- helping train staff to carry out their roles
- support research (using anonymised data only)
- reporting and investigating complaints, claims and untoward incidents
- record and manage (where appropriate) any adverse events or side effects relating to your medical and/or nutritional requirements that you tell us about
- reporting events to the appropriate authorities when we are required to do so by law

Who will we share your personal information with?

Within our group companies

Your information will only be shared with those involved in your care or the administration of your care. This may include Calea UK Limited and companies in our group but only to the extent required to deliver your care or for the administration of your care. Your information may be shared with our internal teams including our nurse advisers, patient support services and resource planners who book appointments and answer patient queries, our pharmacists, our complaints and quality team, and our warehouse and distribution team.

All our staff and contractors receive appropriate and on-going training to ensure that they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality. This is enforceable through disciplinary procedures. Staff only have access to personal information where it is appropriate to their role and is on a strictly "need to know" basis.

We share your data within our wider Fresenius group; some of your data will be stored on servers in Germany and hosted by our internal IT provider Fresenius Digital Technology GmbH, Else-Kröner-Straße 1, 61352 Bad Homburg, Germany.

We store your data in the cloud. This means that your personal data may be processed by cloud service providers and stored in different countries (including the EEA and United Kingdom). We require these providers to implement similar data protection measures as we take based upon contractual arrangements.

Anyone who receives information from us also has a legal duty to keep this information confidential.

Third party suppliers

Our web-based patient care platform Kabi UK platform is part of a cloud-based platform owned, operated and hosted by **Salesforce UK Ltd (f/k/a salesforce.com EMEA Limited)** on our behalf. We have robust agreements and appropriate controls in place with Salesforce and our third-party IT developer and support service provider to ensure that your information is processed only in accordance with our instructions. All information on the Kabi UK platform is hosted in the UK.

You can find out more information about how Salesforce processes your data [here](#)

We may pass your information to other third-party suppliers from time to time to support us in the purposes set out above. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow third-party suppliers to use your data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions. We'll only share information with those who have a legitimate right to know, suppliers that we may share your information will include:

- Nursing Services, from time to time it may be necessary for us to use one of our nursing providers; when we do, we send to them your name, address, telephone number, medical history.
- Other healthcare providers, when we do we send to them you name, address, telephone number and medical history.
- Waste disposal partner – sometimes we may need to arrange to collect medical waste from your address, when we do we will send your name, address and telephone number so your address can be visited and the collected.

Your referring clinician should have discussed with you the delivery service that we provide and will have requested your consent to pass your details to us. We'll provide your details to our delivery partners to enable them to deliver promptly to you. The information required by the delivery partners includes:

- full name
- full address & postcode
- telephone number (landline or mobile in the event that they need to contact you directly for directions)
- any special delivery instructions or second delivery address details

The delivery partners may get knowledge of your health information because of delivering the packages to you. We require the delivery partners to implement similar data protection measures we take based on contractual arrangements.

We may also share your information with:

- IT providers and website hosts who help us run our business. This includes Salesforce who own and operate the platform that our main

Kabi UK operates on.

- Regulators including the Care Quality Commission, Information Commissioner's office and Medicines and Healthcare products Regulatory Agency
- Insurance companies – for the purposes of defending or investigating a claim
- Private Medical Insurers
- Law enforcement agencies
- Auditors – external or internal as part of our performance reporting or compliance with legal and regulatory obligations.

The 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. At present we do not process your data for purposes beyond your individual care, therefore we do not have the relevant opt out processes in place.

Your Rights

If we need to use your personal information for any reason beyond those stated, we will discuss this with you and ask for your permission to do so where you will have the option to agree or disagree. This is explicit consent.

Data protection law gives you the following rights in respect of the personal information that we hold about you:

1. To ask for access to your information. This includes all your stock card/ pharmacy records, patient records and training records about you
2. To ask for your information to be corrected if it is inaccurate or incomplete.
3. To ask for your information to be deleted or erased. Please note that this does not apply to your health or care record or where we process information for public health purposes.
4. To ask us to restrict the use of your information in some circumstances.
5. You can object to processing in certain circumstances
6. To request your personal information be transferred to other providers
7. in certain circumstances
8. You can also raise any complaints with the Information Commissioner's Office.

If you wish to exercise any of these rights you can contact us in writing or by telephone (01928 533533), email (data.protection-UK@fresenius-kabi.com) or using the form on our website at www.fresenius-kabi.co.uk/data-privacy-contact.

We also comply with the NHS Code of Practice on Confidentiality Information and our pharmacists have a requirement under their professional Code of Ethics to keep records about you confidential, secure and accurate.

If you have any queries on the use of your information or wish to lodge a complaint then you can contact our UK Local Data Protection Adviser using the following address:

Fresenius Kabi Limited
Cestrian Court, Eastgate Way
Runcorn, WA7 1NT
United Kingdom

E-mail: data.protection-UK@fresenius-kabi.com

Or contact our Data Protection Officer in Germany on

dataprotectionofficer@fresenius-kabi.com

If you're unhappy with the outcome of your enquiry, then you can write to:

The ICO
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545700

Changes to this data protection statement

As our collection and use of your data may change over time, we may also modify this fair processing notice to always correctly reflect our data processing practices. We encourage you to review it from time to time.