



This Privacy Notice sets out details of the information that JDH and the clinicians responsible for your treatment may collect from you and how that information may be used. Please take your time to read this Privacy Notice carefully.

This Privacy Notice:

- provides you with a detailed overview of how we will manage your data, from the point at which it is collected and going forwards.
- will give you all the details you need on how we use your information, and how we will comply with the law in doing so. We may also, with your specific agreement, contact you with marketing materials.
- sets out your rights in respect of your personal information, and how to exercise them. You can, for instance, seek access to your medical information, object to us using your information in particular ways and request rectification of any information which is inaccurate.

## ABOUT US

In this Privacy Notice we use "**we**" or "**us**" or "**our**" or "**JDH**" to refer to JDH Healthcare Limited and its subsidiaries including all London Women's Clinic facilities, London Sperm Bank, London Egg Bank, The Bridge Centre and the London Ultrasound Centre who are using your personal information, and the clinicians who provide your treatment.

We will advise you in our communications with you of the specific company within the JDH group of companies that is making decisions about the use of your personal information. Depending on your relationship with us, this may be:

JD Healthcare Limited, 113-115 Harley Street, London W1G 6AP, Company No 05919836.

London Women's Clinic Limited 113-115 Harley Street, London W1G 6AP, Company No 02684965

London Women's Clinic (Darlington) Limited 113-115 Harley Street, London W1G 6AP, Company No 05919851

London Women's Clinic (Wales) Limited 113-115 Harley Street, London W1G 6AP, Company No 05535681

London Sperm Bank Limited 1 St Thomas St, London, SE1 9RY, Company No 05925090

London Women's Clinic (Bromley) 135 Masons Hill, Bromley, BR2 9HT, Company No 11790398

London Women's Clinic (Eastbourne) Unit 6 Park View, Alder Close, Eastbourne, BN23 6QE, Company No 11790398

## HOW TO CONTACT US

Our Data Protection Officer ("**DPO**") helps ensure that the JDH group of companies complies with data protection law. Our DPO has responsibility for data protection compliance in respect of the companies set out above.

The DPO can be contacted by:

- Email: [bhavna.raikundalia@londonwomensclinic.com](mailto:bhavna.raikundalia@londonwomensclinic.com)
- Post: Data Protection Officer, JD Healthcare Limited 113-115 Harley Street, London W1G 6AP



If you would like further information about any of the matters in this Privacy Notice or have any other questions about how we collect, store or use your personal information, please contact the DPO using the details above.

### **Your personal data and clinicians**

As a patient of JDH, your treatment may be provided by a clinician who is a medical practitioner. For ease of reference, we refer to them simply as 'clinicians' throughout this Privacy Notice. Those clinicians make decisions about what information is collected about you and may keep their own set of medical records in relation to the treatment that they provide. They are a Data Controller in respect of your personal information which they hold within those records, meaning that they must follow the data protection legislation and relevant guidance when handling your personal information. To the extent relevant to their practice, you can expect clinicians (including their medical secretaries) to handle your information in line with this Privacy Notice. This includes using your personal information as set out in more detail below.

Clinicians who work with JDH (including their medical secretaries) are expected to handle your personal data in accordance with the principles set out within this Privacy Notice. This means that whenever they use your personal data, they will only do so in accordance with the principles set out in this Privacy Notice.

Clinicians who work with JDH (including their medical secretaries) may process your personal information at a non-JDH site (medical or non-medical).

If you want to find out more about the arrangements between JDH and clinicians for handling your information, please let us know by contacting our DPO. You should also ensure that you are familiar with any privacy policy which is adopted by the clinician, although we are not responsible for their privacy statements.

If you have any concerns about the way your clinician has handled your personal information, please contact the DPO.

### **What personal information do we collect and use from patients?**

The personal information that we collect will depend on your relationship with us. We will collect different information depending on whether you are already a patient of JDH.

We may use "special categories of personal information" (otherwise known as "special categories of data") about you, such as information relating to your physical and mental health. For example, if you are a patient we will need to use information about your health to treat you.

If you provide personal information to us about other individuals (including medical or financial information) you should inform the individual about the contents of this Privacy Notice. We will contact that individual as soon as possible and within one month of receiving their details to ensure that they are aware of the basis on which their personal information is being processed, and to inform them that we will process such information in accordance with this Privacy Notice.

In addition, you should note that in the event you amend data which we already hold about you (for instance by amending a pre-populated form) then we will update our systems to reflect the amendments. Our systems will continue to store historical data in accordance with our data retention policies and procedures.

## Marketing

We may use your contact information to send you marketing communications, such as newsletters, information about new treatments, services, events, or promotions that we believe may be of interest to you.

In addition, we may use tracking technologies (such as the Meta Pixel) to display personalised ads to you on social media platforms like Facebook and Instagram. This helps us show you more relevant content based on your interaction with our website. Where required by law, we will obtain your consent before using cookies or similar technologies for these purposes as outlined below.

You can opt out of marketing communications at any time by following the unsubscribe link in our emails or visiting the preference centre. You can also manage your advertising preferences directly through the relevant social media platform.

## Social Media Advertising

We may use your personal data (such as your email address or phone number), in a securely hashed format, to create custom audiences on social media platforms like Meta (Facebook and Instagram). This helps us serve relevant advertisements to people who have previously interacted with our services. The data is hashed locally in your browser or securely before upload and is not shared in a personally identifiable form.

We rely on our legitimate interests to carry out this type of advertising, and we ensure your rights and freedoms are protected. You can opt out of this type of marketing by contacting us or adjusting your settings on the social media platform.

## CCTV Monitoring

We operate CCTV cameras in public and communal areas of our premises for safety, security, and crime prevention purposes. Cameras are clearly signposted, and footage may capture individuals in these areas, including patients and visitors. All footage is stored securely, with access limited to authorised personnel only. CCTV data is processed under our legitimate interests and in compliance with UK data protection laws, including the Data Protection Act 2018 and UK GDPR.

## Personal information

As a patient of JDH, the personal information we hold about you may include the following:

- Name
- Contact details, such as postal address, email address and telephone number (including mobile number)
- Occupation



- Emergency contact details, including next of kin
- Background referral details

### **Special Categories of Personal Information**

As a patient of JDH, we will hold information relating to your medical treatment which is known as a special category of personal data under the law, meaning that it must be handled even more sensitively. The special categories of personal information we hold about you may include the following:

- Details of your current or former physical or mental health. This may include information about any healthcare you have received (both from JDH directly and other healthcare providers such as GPs, or hospitals (private and/or NHS)) or need, including about clinic and hospital visits and medicines administered. We provide further details below on the way we handle such information.
- Details of services you have received from us
- Details of your nationality, race and/or ethnicity
- Details of your religion
- Details of any genetic data or biometric data relating to you
- Data concerning your sex life and/or sexual orientation

The confidentiality of your medical information is important to JDH. We make every effort to prevent unauthorised access to and use of information relating to your current or former physical and mental health. In doing so, JDH complies with UK data protection law, including the General Data Protection Regulation ((EU)2016/679) Data Protection Act 2018, and all applicable medical confidentiality guidelines issued by professional bodies including, but not limited to, the General Medical Council and the Nursing and Midwifery Council.

### **How do we collect your information?**

We may collect personal information from a number of different sources including, but not limited to:

- GPs
- Other hospitals, both NHS and private
- Mental health providers
- Commissioners of healthcare services
- Clinicians (including their medical secretaries)

### **Directly from you**

Information may be collected directly from you when:

- You enter a contract with JDH for the provision of healthcare services
- You use those services



- You complete enquiry forms on the JDH websites
- You submit a query to us including through our website, by email or by social media
- you correspond with us by letter, email, telephone or social media, including where you reference JDH in a public social media post
- You take part in our marketing activities

#### **From other healthcare organisations**

Our patients will usually receive healthcare from other organisations in addition to JDH, and to provide you with the best treatment possible we may have to collect personal information about you from other organisations. These may include:

- Medical records from your GP
- Medical records from your clinician (including their medical secretaries)
- Medical records from the NHS or any private healthcare organisation

Medical records include information about your diagnosis, clinic and hospital visits and medicines administered.

#### **From third parties**

As detailed in the previous section, it is often necessary to seek information from other healthcare organisations. We may also collect information about you from third parties when:

- You are referred to us for the provision of services including healthcare services
- We liaise with your current or former employer, health professional or other treatment or benefit provider
- We liaise with your family
- We deal with experts (including medical experts) and other service providers about services you have received or are receiving from us
- We deal with NHS health service bodies about services you have received or are receiving from us
- We liaise with credit reference agencies
- We liaise with debt collection agencies
- We liaise with Government agencies, including the Ministry of Defence, the Home Office and HMRC

#### **How will we communicate with you?**

To communicate with you, we are likely to do this by telephone, SMS, email, and/or post. If we contact you using the telephone number(s) which you have provided (landline and/or mobile), and you are not available which results in the call being directed to a voicemail and/or answering service, we may leave a voice message on your voicemail and/or answering service as appropriate.

However:



- to ensure that we provide you with prompt updates and reminders in relation to your healthcare (including basic administration information and appointment information (including reminders)), we may communicate with you by SMS and/or unencrypted email (where you have provided us with your email address) in each case where you have expressed a preference in the patient registration form to be contacted by SMS and/or email.
- to provide you with your medical information (including test results and other clinical updates) and/or invoicing information, we may communicate with you by email (which will be encrypted) where you have provided us with your email address and have expressed a preference in the patient registration form to be contacted by email. The first time we send you any important encrypted email e.g. one that we are not also sending by post or which needs action to be taken, we will endeavour to contact you separately to ensure that you are able to access the encrypted email you are sent.
- If we have your mobile number or your email address we may use this method of communication to contact you about patient surveys which are for the purpose of improving our service or monitoring outcomes and are not a form of marketing.

Please note that although providing your mobile number and email address and stating a preference to be communicated by a particular method will be taken as an affirmative confirmation that you are happy for us to contact you in that manner, we are not relying on your consent to process your personal data in order to correspond with you about your treatment. As set out further below, processing your personal data for those purposes is justified on the basis that it is necessary to provide you with healthcare services.

## Surveys

As detailed above, we may contact you to ask you to take part in surveys regarding your treatment with JDH. The surveys will be sent post-treatment by email or SMS. This is not a form of marketing and the surveys do not try to sell you any further products or services; it is solely to gather information relating to your experience of JDH, for the purposes of improving the quality and safety of the services we offer to future patients. It is necessary for us to process your personal data to contact you with these surveys, based on our legitimate interest in improving the quality of the healthcare services we offer (as set out under purpose 8 below). Participation in the surveys is entirely voluntary. You may decide not to complete the surveys, and you will have the option to unsubscribe from receiving further survey invitations. You may also be given the opportunity to proactively opt into receiving a call back to further discuss your survey responses. These are all matters entirely for you.

## What are the purposes for which your information is used?

We may process your information for a number of different purposes. Each time we use your data we must have a lawful basis (or bases) to do so. The basis will depend on the purpose of the proposed use of your data. When the information that we process is classed as “special category of personal information”, we must have a specific additional legal justification to use it as proposed.

We will rely on the following lawful bases, or 'grounds':



- Taking steps at your request so that you can enter a contract with JDH and/or clinician to receive healthcare services from us.
- For the purposes of providing you with healthcare pursuant to a contract between you and JDH and/or clinician. We will rely on this for activities such as supporting your medical treatment or care and other benefits, supporting your doctor, nurse, carer or other healthcare professional and providing other services to you.
- We have a legitimate interest in processing your personal information and such interest is not overridden by your interests and fundamental rights. We will rely on this for activities such as quality assurance, maintaining our business records, developing and improving our products and services and monitoring outcomes, and to establish, exercise or defend our legal rights.
- We have a legal or regulatory obligation to use such personal information.
- The processing is necessary to protect someone's life.
- You have provided your consent to our use of your personal information.

Note that failure to provide your information further to a contractual or legal requirement with us or a clinician may mean that we are unable to set you up as a patient or facilitate the provision of your healthcare on JDH's systems. In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

We provide further detail on these grounds in the sections below.

#### ***Legitimate Interest***

One legal ground for processing personal data is where we do this in pursuit of our legitimate interests (or those of a third party) and those interests are not overridden by your interests and fundamental rights. Where we refer to use for our legitimate interests needs, we are relying on this lawful basis.

Special categories of personal information include information about your:

- Health
- Sex life
- Sexual orientation
- Ethnicity
- Genetic or biometric information

#### **The right to object to other uses of your personal data**

You have a range of rights in respect of your personal data, as set out in detail in the section entitled "Your rights". This includes the right to object to JDH using your personal information in a particular way (such as sharing that information with third parties), and we must stop using it in that way unless specific exceptions apply. This includes, for example, if it is necessary to defend a legal claim brought against us, or it is otherwise necessary for the purposes of your ongoing treatment.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original



purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

**You will find details of our lawful basis for each of our processing purposes below. We have set out individually those purposes for which we will use your personal information, and under each one we set out the lawful bases, or grounds, which allow us to do so. You will note that we have set out a lawful bases, as well as an 'additional' legal ground for special categories of personal information. This is because we must demonstrate additional legal grounds where we are using information which relates to a person's healthcare, as we will be the majority of the times we use your personal information. We may rely on one or more of the lawful bases/legal grounds stated in connection with each purpose.**

---

***Purpose 1: To set you up as a patient on JDH's systems including carrying out fraud, credit, anti-money laundering and other regulatory checks***

As is common with most businesses, we must carry out necessary checks for you to become a patient. These include standard background checks, which we cannot perform without using your personal information (although background checks will not involve the processing of special categories of personal data).

**Lawful bases:** Taking the necessary steps so that you can enter a contract with us for the delivery of healthcare, as necessary for our legitimate interests to prevent fraud, and as is necessary to comply with a legal obligation.

**Additional legal ground for special categories of personal information:** The use is necessary to provide healthcare services to you.

---

***Purpose 2: To provide you with healthcare and related services***

Clearly, the reason you come to us is to provide you with healthcare, and so we must use your personal information for that.

**Lawful bases:**

- Our legitimate interests in running our business and providing you with healthcare and related services
- Fulfilling our contract with you for the delivery of healthcare

**Additional legal grounds for special categories of personal information:**

- We need to use the data to provide healthcare services to you
- The use is necessary to protect your vital interests where you are physically or legally incapable of giving consent

---

***Purpose 3: For account settlement purposes***



We will use your personal information to ensure that your account and billing is fully accurate and up-to-date. Where applicable, we will use payment information to automatically renew your storage fees for patients that have given us written consent to store their card details on a secure platform. This covers storage fees in relation to embryos, eggs and sperm held by JDH.

**Lawful basis:**

- Fulfilling our contract with you for the delivery of healthcare
- Our legitimate interest to manage your accounts and recover debts due to us

**Additional legal grounds for special categories of personal information:**

- We need to use the data to provide healthcare services to you
- The use is necessary for us to establish, exercise or defend legal claims

**Purpose 4: For medical audit/research purposes**

**Clinical audit**

JDH may process your personal data for the purposes of local clinical audit – i.e. an audit carried by your direct team for the purposes of assessing outcomes for patients and identifying improvements which could be made for the future. We can do so on the basis of a legitimate interest and the public interest in statistical and scientific research, and with appropriate safeguards in place. You are, however, entitled to object to us using your personal data for this purpose, and as a result of which we would need to stop doing so. If you would like to raise such an objection, then please contact our Data Protection Officer using the details provided at the top of the page.

We may do so without your consent provided that the particular audit registry has received statutory approval, or where the information will be provided in a purely anonymous form, otherwise your consent will be needed. In those circumstances, the relevant registry organisation may have consent processes of their own so any questions in that regard should be directed to the organisations themselves, otherwise we will obtain that consent from you.

**Medical research**

JDH also participates in medical research and shares data with ethically approved third party research organisations.

We will share your personal data only to the extent that it is necessary to do so in assisting research and as permitted by law. Some research projects and/or registries have received statutory approval such that consent may not be required to use your personal data. In those circumstances, your personal will be shared on the basis that:

**Lawful basis:**

- We have a legitimate interest in helping with medical research and have put appropriate safeguards in place to protect your privacy

**Additional legal grounds for special categories of personal information:**

- The processing is necessary in the public interest for statistical and scientific research purposes

If consent is required then either the research organisations will obtain this from you yourselves, and so any questions in that regard should be directed to them, or we will take consent from you.

Please note that where data is anonymised to the extent that individuals cannot be identified from it (or other connected data) then it ceases to be personal data for the purposes of data protection legislation.

***Purpose 5: Communicating with you and resolving any queries or complaints that you might have.***

From time to time, patients may raise queries, or even complaints, with JDH and we take those communications very seriously. It is important that we resolve such matters fully and properly, and so we will need to use your personal information to do so.

**Lawful basis:**

- Our providing you with healthcare and other related services pursuant to your contract with us
- Our having a legitimate interest need to use your information to investigate and manage complaints

**Additional legal grounds for special categories of personal information:**

- The use is necessary for the provision of healthcare or treatment pursuant to a contract with a health professional
- The use is necessary for us to establish, exercise or defend legal claims

***Purpose 6: Communicating with any other individual that you ask us to update about your care and updating other healthcare professionals about your care.***

In addition, other healthcare professionals or organisations may need to know about your treatment for them to provide you with safe and effective care, and so we may need to share your personal information with them. Further details on the third parties who may need access to your information is set out in purpose 10 below.

**Lawful basis:**

- Our providing you with healthcare and other related services
- We have a legitimate interest in ensuring that other healthcare professionals who are routinely involved in your care have a full picture of your treatment

**Additional legal ground for special categories of personal information:**

- We need to use the data to provide healthcare services to you
- The use is necessary for reasons of public interest in public health
- The use is necessary for us to establish, exercise or defend legal claims
- You explicitly consent to this processing

***Purpose 7: Complying with our legal or regulatory obligations, and defending or exercising our legal rights***

As a provider of healthcare, we are subject to a wide range of legal and regulatory responsibilities which is not possible to list fully here. We may be required by law or by regulators to provide personal information, and in which case we will have a legal responsibility to do so. From time to time, JDH and its clinicians are also the subject of legal actions or complaints. To fully investigate and respond to those actions, it is necessary to access your personal information (although only to the extent that it is necessary and relevant to the subject-matter).

**Lawful basis:**

- The use is necessary for us to comply with our legal obligations

**Additional legal ground for special categories of personal information:**

- 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
- The use is necessary for reasons of public interest in public health
- The use is necessary for establishing, exercising or defending legal claims

We are also required by law to conduct audits of health records, including medical information, for quality assurance purposes. Your personal and medical information will be treated in accordance with guidance issued by the Human Fertilisation and Embryology Authority (HFEA) Care Quality Commission (England), Health Inspectorate Wales and Healthcare Improvement Scotland.

---

***Purpose 8: Providing improved quality, training and security including conducting post treatment surveys***

JDH is a quality-conscious organisation, and always looking to learn from patients' experiences to improve the experience for future patients. With that in mind, we will use your personal information to show where such improvements can be made, such as reviewing recorded phone calls to assess whether anything can be learnt and contacting you to seek your valuable thoughts on the JDH experience.

**Lawful basis:**

- Our having a legitimate interest to use your information to study how our patients use our services, to develop them and to improve them

**Additional legal ground for special categories of personal information:**

- We need to use the data to manage the healthcare services we deliver, including carrying out surveys (which are not a form of marketing) to identify and carry out any necessary improvements

---

***Purpose 9: Managing our business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (eg tax or legal advice)***

To do this, we will not need to use your special categories of personal information and so we have not identified the additional ground to use your information for this purpose.

**Lawful basis:**

- Our having a legitimate interest to use your information which does not overly prejudice you

***Purpose 10: Provide marketing information to you (including information about other products and services offered by selected third party partners) in accordance with preferences you have expressed in the Patient Registration Form***

As a business, we need to carry out marketing, but we are mindful of your rights and expectations in that regard. As a result, we will only provide you with marketing which is relevant to our business and only where you have specifically, unambiguously and freely confirmed your consent to do so.

#### **Lawful bases:**

- You have provided your consent

#### **Who do we share your information with?**

From time to time, we may share your personal information within our group or with third parties.

##### ***Disclosures within the JDH group of companies***

We may share your personal information with other companies in the JDH group. This might be because we need to share information relating to your treatment within our group of companies.

##### ***Disclosures to third parties:***

We may disclose your information to the third parties listed below for the purposes described in this Privacy Notice. This might include:

- A doctor, nurse, carer or any other healthcare professional involved in your treatment
- Other members of support staff involved in the delivery of your care, like receptionists and porters
- Anyone that you ask us to communicate with or provide as an emergency contact, for example your next of kin or carer
- NHS organisations, including NHS Resolution, NHS England, Department of Health,
- Other private sector healthcare providers
- Your GP
- Your clinician (including their medical secretaries)
- Third parties who assist in the administration of your healthcare, such as insurance companies
- National and other professional research/audit programmes and registries, as detailed under Purpose 4 above
- Government bodies, including the Ministry of Defence, the Home Office and HMRC
- Our regulators, like the Human Fertilisation and Embryology Authority (HFEA), Care Quality Commission, Health Inspectorate Wales and Healthcare Improvement Scotland
- The police and other third parties where reasonably necessary for the prevention or detection of crime



- Our insurers
- Debt collection agencies
- Credit referencing agencies
- Our third-party services providers such as IT suppliers, actuaries, auditors, lawyers, marketing agencies, document management providers and tax advisers
- Selected third parties in connection with any sale, transfer or disposal of our business

We may communicate with these third parties in a variety of ways including, but not limited to, email, post, fax and telephone.

### **What marketing activities do we carry out?**

We may also use your personal information to provide you with information about products or services which may be of interest to you where you have provided your consent for us to do so in accordance with "Purpose 10" above.

If you no longer wish to receive marketing emails sent by us, you can click on the "unsubscribe" link that appears in all our emails, otherwise you can always contact us using the details set out at the top of the page to update your contact preferences.

We may also provide your personal information to market research agencies for collecting your feedback which will be used to develop better products and services for you, but only when you have provided your freely open, informal, specific and unambiguous consent for us to do so.

If you no longer wish to receive non-website-based marketing information or for us to provide your information to market research agencies, please contact our DPO. The DPO's contact details can be found at the top of this policy.

An automated decision is a decision made by computer without any human input, and there will be no automated decision-making in relation to your treatment or other decisions which will produce legal or similarly significant effects. We may, however, decide to carry out automated profiling in respect of your personal information, which is automated processing to evaluate certain characteristics for us to provide more tailored marketing. We may then focus our marketing to you depending on the outcome of that profiling. This could include targeted ads through social media platforms such as Facebook, Twitter, Instagram and LinkedIn.

We have put in place appropriate measures to safeguard any information subject to profiling, particularly by ensuring that any information passed onto third party marketing agencies will be in an anonymous form so that you cannot be identified. You also have the right to object to auto-profiling (or challenge the outcome) and can do so by contacting our DPO.

If you would like further information about this, please contact our DPO.

## How long do we keep personal information for?

We will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and to comply with our legal and regulatory obligations.

If you would like further information regarding the periods for which your personal information will be stored, please contact our DPO for further details.

## International data transfers

We (or third parties acting on our behalf) may store or process information that we collect about you in countries outside the European Economic Area ("EEA"). Where we make a transfer of your personal information outside of the EEA, we will take the required steps to ensure that your personal information is protected.

- To the extent that it is necessary to do so, JDH may transfer your personal data outside of the EEA to the United States to the following specific types of third party:
  - Suppliers of genomic testing eg we send pathology samples to a lab in the US who genetically map tissue samples

We will only do so to the extent that it is relevant and necessary, and to the extent that the recipient has subscribed to Privacy Shield. The United States and the EEA have in place a framework, known as Privacy Shield, to facilitate compliance with data protection obligations when transferring personal data. Privacy Shield has been assessed by the EU Commission and deemed to provide adequate protection to personal data.

If you would like further information regarding the steps we take to safeguard your personal information, please contact the DPO using the details at the top of the page.

Please note that we have listed above the current common transfers of personal data outside of the EEA, but it may be necessary, in future, to transfer such data for other purposes. If it is necessary to do so, we will update this Privacy Notice.

## Data Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your data on our instructions, and they are subject to duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## Your rights

Under data protection law you have certain rights in relation to the personal information that we hold about you. These include rights to know what information we hold about you and how it is used. You may exercise these rights at any time by contacting us using the details set out above at the top of this policy.

There will not usually be a charge for handling a request to exercise your rights.

If we cannot comply with your request to exercise your rights, we will usually tell you why.

There are some special rules about how these rights apply to health information as set out in legislation including the Data Protection Act 2018 and GDPR as well as any secondary legislation which regulates the use of personal information.

If your request is clearly unfounded, repetitive or excessive, we may charge a reasonable fee. Alternatively, we could refuse to comply with your request in those circumstances.

## Your rights include:

### *The right to access your personal information*

You are usually entitled to a copy of the personal information we hold about you and details about how we use it.

Your information will usually be provided to you in writing, unless otherwise requested. If you have made the request electronically (e.g. by email) the information will be provided to you by electronic means where possible.

Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you.

You are entitled to the following under data protection law.

Under Article 15(1) of the GDPR we must usually confirm whether we have personal information about you. If we do hold personal information about you, we usually need to explain to you:

- The purposes for which we use your personal information
- The types of personal information we hold about you
- Who your personal information has been or will be shared with, including organisations based outside the EEA.
- If your personal information leaves the EU, how we make sure that it is protected
- Where possible, the length of time we expect to hold your personal information. If that is not possible, the criteria we use to decide how long we hold your information for
- If the personal data we hold about you was not provided by you, details of the source of the information



- Whether we make any decisions about you solely by computer and if so, details of how those decisions are made and the impact they may have on you
- Your right to ask us to amend or delete your personal information
- Your right to ask us to restrict how your personal information is used or to object to our use of your personal information
- Your right to complain to the Information Commissioner's Office

We also need to provide you with a copy of your personal data.

#### ***The right to rectification***

We take reasonable steps to ensure that the information we hold about you is accurate and complete. However, if you do not believe this is the case, you can ask us to update or amend it.

#### ***The right to erasure (also known as the right to be forgotten)***

In the event that there are any material changes to the way your personal information is to be used then we will provide you with an updated copy of this Privacy Notice.

In some circumstances, you have the right to request that we delete the personal information we hold about you. However, there are exceptions to this right and in certain circumstances we can refuse to delete the information in question. In particular, for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims.

#### ***The right to restriction of processing***

In some circumstances, we must "pause" our use of your personal data if you ask us to. We do not have to comply with all requests to restrict our use of your personal information. For example, we do not have to comply with your request if it is necessary to keep your information to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims.

#### ***The right to data portability***

In some circumstances, we must transfer personal information that you have provided to us to you or (if this is technically possible another individual/ organisation of your choice. The information must be transferred in an electronic format.

#### ***The right to object to marketing***

You can ask us to stop sending you marketing messages at any time and we must comply with your request. You can do this by contacting the DPO.

#### ***The right to withdraw consent***

In some cases we need your consent for our use of your personal information to comply with data protection legislation.

We have explained in the section entitled "What are the purposes for which your information is used?" where we rely on your consent in this way. Where we do this, you have the right to withdraw your consent to further use of your personal information. You can do this by contacting JDH's DPO whose details are at the top of this policy.

#### ***The 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 that



we have dealt with a request from you to exercise any of these rights, or if you think we have not complied with our legal obligations. We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

More information can be found on the Information Commissioner's Office website: <https://ico.org.uk/>

Making a complaint will not affect any other legal rights or remedies that you have.

### **National Data Opt-Out Programme**

NHS Digital has developed a national programme which went live on 25 May 2018, pursuant to which all patients will be able to log their preferences as to sharing of their personal information. All health and care organisations will be required to uphold patient choices, but only from March 2020. In the meantime, you should make JDH aware directly of any uses of your data to which you object.

### **UPDATES TO THIS PRIVACY NOTICE**

We may update this Privacy Notice from time to time to ensure that it remains accurate. If these changes result in any material difference to the way we process your personal data, these changes will be displayed on our website at <https://www.londonwomensclinic.com/privacy-policy>