

# Xycare Privacy Notice

31<sup>st</sup> January 2023



## **Our contact details:**

Name: Xycare Ltd

Address: Lytchett House, 13 Freeland Park, Wareham Road, Poole, Dorset, BH16 6FA

Phone Number: 07958486769

E-mail: [ian.rubin@xycare.global](mailto:ian.rubin@xycare.global)

## **What we do:**

We provide digital services that allow health and care professionals to link their patients' records with digital health applications. We do not make these health apps, they are made by our Partners. We work with many Partners but never share information between Partners. The apps offered by our Partners will have been contracted by your health or care provider most often an NHS organisation. These NHS Organisations are aware that our Partner uses the Xycare technology for this purpose.

## **The type of personal information we process on behalf of other organisations with which we work, such as your general practice:**

We process the following information:

- personal identifiers, contacts and characteristics (for example, your name and contact details)
- personal data revealing racial or ethnic origin;
- personal data revealing religious or philosophical beliefs;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning social circumstances;
- data concerning the health of people in your family or close to you;
- data concerning a person's sex life;
- data concerning a person's sexual orientation; and
- personal identifiers, contacts and characteristics of people that provide care for you (for example, name and contact details)

## **How we get the personal information and why we have it**

The personal information we process is provided to us in one of two ways:

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- By reading information from another record system such as your general practitioner's record system; this is done at your request or the request of your healthcare or care professional advisors; or
- Information is entered into a Partner Application that is integrated with your general practices record system using our technology. Your health or care professional, you or your representative will enter this information.

We receive this information purely for the purpose of facilitating the provision of care to you by your health and care providers when they are using a Partner's Application.

We use your information in order to:

- Facilitate the sharing of your information between different organisations that may look after you; and
- Support your health and care professionals provide you with the best advice about your ongoing care.

Depending on the service offered by our Partner, your information may be shared with:

- General practices
- Hospitals
- NHS111
- Ambulance services
- Hospices
- Care homes
- Community providers
- Pharmacies
- Mental health trusts
- NHS digital
- NHS England
- Social services
- Laboratories
- Imaging centres

Your personal data is processed during the delivery of direct care and for providers' administrative purposes and in support of direct care elsewhere. This is supported under Articles 6 and 9, conditions of the General Data Protection Regulation (UK GDPR):

*Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'*

*Article 9(2)(h) 'necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...'*

We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"\*

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## How we store your personal information

Your information is securely stored on our servers in the cloud which are all located in the United Kingdom. We only process your information on the lawful instructions of a data controller who may be your general practice or another healthcare provider.

We keep your information as instructed by the health and care organisations we work for and in accordance with the NHS Record Retention Policy.

Only those who have a legitimate basis for processing your information can get access to your information held by Xycare.

## Your data protection rights

Under data protection law, you have rights including:

**Your right of access** - You have the right to ask us for copies of your personal information.

**Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

**Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

**Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

**Your right to object to processing** - You have the the right to object to the processing of your personal information in certain circumstances.

**Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at Xycare Ltd, Address: Lytchett House, 13 Freeland Park, Wareham Road, Poole, Dorset, BH16 6FA; Phone Number: 07958486769; E-mail: [ian.rubin@xycare.global](mailto:ian.rubin@xycare.global) if you wish to make a request. Please note that any request you send us will be discussed with your health or care professional or organisation on whose behalf we are processing your data.

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## How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at Xycare Ltd; Address: Lytchett House, 13 Freeland Park, Wareham Road, Poole, Dorset, BH16 6FA ; Phone Number: 07958486769; E-mail: [ian.rubin@xycare.global](mailto:ian.rubin@xycare.global)

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>

\* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.

END