

## **Fresenius Kabi Homecare Fair Processing Notice**

We've been requested by your clinician to provide and deliver your enteral nutrition requirements.

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.

### **What information do we keep about you?**

The information we hold may include:

- Basic details about you, such as address, date of birth, telephone numbers, email address, next of kin
- Records of enteral nutrition 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

### **Where do we get your 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, 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, postcode, contact details and details relating to what nutritional products you require, NHS Trust or hospital, private medical consultants, GPs or others involved in your care
- **Visiting our websites and systems**
- **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 do we keep personal information about you?**

To provide your nutritional products and care, 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.

### **How long do we keep your information for?**

We'll only hold your information for as long as is needed to be able to provide 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:

- 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 will be kept in line with the law and national guidance. Information on how long records are kept can be found at: NHS Records Management Code of Practice – [click here](#) or at <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>.

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



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

We create and hold your records electronically and 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

### **Legal basis for processing your information**

We need to record the legal basis for processing your information under data protection laws:

- If you are an NHS patient, your referring clinical service provided your information to us. Once we are providing the services to you, we are controller of that information.
- Where we are processing information relating to your health, this is a special category of data. This may include your nutritional requirements. Where we are processing your personal information to provide your care, register you as a patient, and/or to deliver your services, we use your personal data to comply with our legal obligations **and** because it is necessary for the provision of health care or treatment.
- There may be situations where we are under a duty to share your information. For example, we may be required by law to report certain information – this includes with the Care Quality Commission who inspect the quality and safety of the care we provide, or if a formal court order has been issued. We may also have to share your information when it's absolutely necessary for the prevention or detection of crime, prosecution of offenders, or where there are serious risks to the public or our staff.

### **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 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 nutrition
- 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 enteral nutritional requirements
- ensure that we charge the NHS or other bill payer the correct amount for our services delivered to you



- provide regular reminders in accordance with your services, e.g. for deliveries, nurse visits or enteral 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
- to keep an audit trail of the services 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 audio recording 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
- to record and manage (where appropriate) any adverse events or side effects relating to your enteral 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 information with?**

Your information will only be shared with those involved in your care or the administration of your care. This may include but is not limited to, our nurse advisers, patient support services and resource planners who answer patient queries and book appointments, our pharmacists, our complaints and quality team, and our warehouse and distribution team.

All of 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 Fresenius Netcare 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 Ireland, Netherlands, United Kingdom and Germany). 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.

Your clinician should have detailed the delivery service that we provide and will have obtained 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 if they need to contact you directly for directions)
- any special delivery instructions

We may also share your information with:

- IT providers and website hosts who help us run our business,
- 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 instigating 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 delivery partners may gain knowledge of your health information because of delivering the packages to you. We require the delivery partners to implement similar data protection measures to those we take, based on contractual arrangements.

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.

### **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 - 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:

- To ask for access to your information. This includes all your stock card/pharmacy records, patient records and training records about you
- To ask for your information to be corrected if it is inaccurate or



incomplete.

- 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.
- To ask us to restrict the use of your information in some circumstances.
- To object to processing in certain circumstances
- To request your personal information be transferred to other providers in certain circumstances
- To raise any complaints with the Information Commissioner's Office.

You can do any of the above in writing, by telephone or using the form on our website <https://www.fresenius-kabi.com/gb/data-privacy-contact>

We also comply with the NHS Code of Practice on Confidentiality, 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, you can contact our UK Local Data Protection Adviser:

Fresenius Kabi Limited and Calea UK Limited  
Cestrian Court  
Eastgate Way  
Runcorn  
WA7 1NT  
United Kingdom

Email - [data.protection-UK@fresenius-kabi.com](mailto:data.protection-UK@fresenius-kabi.com)

Or, you can contact our Data Protection Officer in Germany:

Email - [dataprotectionofficer@fresenius-kabi.com](mailto:dataprotectionofficer@fresenius-kabi.com)

If you're unhappy with the outcome of your enquiry, then you can contact the ICO:

The ICO  
<https://ico.org.uk/global/contact-us/> Tel: 0303 123 1113