

# The Doctors Laboratory Group Detailed Privacy Notice

It is the policy of The Doctors Laboratory Group supported by its board of directors, to take steps to ensure that your information is kept confidential and secure and to otherwise protect and respect your privacy. As well as the steps set out in this policy, The Doctors Laboratory Group is accredited to the international standard for Information Security Management Systems set out in ISO/ISE 27001.

The Doctors Laboratory Group is the largest independent provider of clinical laboratory diagnostic services in the UK providing pathology services to the private and public sector, the group includes The Doctors Laboratory Limited, TDL Genetics Limited, Health Services Laboratories LLP, and their subsidiaries. Health Services Laboratories LLP is a pathology joint venture between The Doctors Laboratory Limited, Royal Free London NHS Foundation Trust (The Royal Free London), and University College London Hospitals NHS Foundation Trust (UCLH). The registered office of the organisations in The Doctors Laboratory Group is The Halo Building, 1 Mabledon Place, London, England WC1H 9AX.

This policy together with any other documents referred to in it sets out the basis on which any information The Doctors Laboratory Group collects from you, or that you provide to The Doctors Laboratory Group, will be processed by The Doctors Laboratory Group.

## Information that The Doctors Laboratory Group holds about patients and clinicians who request pathology tests

### Who is the data controller?

The clinical laboratory diagnostic services are provided by:

- The Doctors Laboratory Limited (company number 02201998),
- TDL Genetics Limited (company number 03959656), or
- HSL (Analytics) LLP (company number OC391046).

In the rest of this policy, “**TDL**” refers to whichever of those three organisations is providing the services.

Whenever TDL provides clinical laboratory diagnostic services it does so under contract for a healthcare provider or health insurer that refers the patient for diagnostic tests (“**the Referrer**”).

When TDL provides services for a Referrer it processes personal data about the patient and the clinician who requested the services or who will receive the results. TDL processes this personal data on behalf of the Referrer in accordance with the Referrer’s instructions. For instance, the Referrer will decide what information to provide to TDL about the patient, which tests TDL should carry out, who the results should be reported to, and the method for transmitting the test request and results. This means that TDL acts as a data processor of that personal data, and the Referrer is the data controller.

As the Referrer is the data controller, the Referrer ultimately decides how TDL uses personal data to provide the services to the Referrer. The Referrer is responsible for explaining those uses to the patient and the requesting clinician, but this policy explains how TDL typically processes personal data on behalf of Referrers.

Patients and requesting clinicians should contact the Referrer to find out how personal data is used in their particular case.

TDL uses some of the personal data it holds about patients and requesting clinicians for purposes that are not part of the services it provides to Referrers. When TDL uses data for those other purposes it acts as a data controller. The rest of this policy explains the situations in which TDL acts as a data controller and how it uses patient personal data in those situations.

## **How TDL typically processes personal data about patients and requesting clinicians as a data processor**

This part of the policy explains how TDL typically uses personal data that it processes on behalf of a Referrer when providing clinical laboratory diagnostic services.

Typically the personal data about patients and requesting clinicians that is processed by TDL comes from the requesting clinician or the Referrer. They send TDL personal data in addition to pathology samples (body fluids or tissues) and request tests be carried out upon those samples. In some cases TDL collects the data directly from the patient on behalf of the Referrer. This happens, for example, when a patient attends TDL's patient reception to provide a sample.

The information provided to TDL may include:

- the patient's name, date of birth, gender, address, e-mail address and in some cases phone number and card payment details;
- clinical details that are relevant to the tests that have been requested, which may include relevant parts of the patient's medical history;
- practice details of the requesting clinician such as address, specialities and secretary information;
- information that is necessary to process invoices including patient demographics, financial, bank and credit card information, medical and insurer specific information such as insurer name and policy/ identification details.

TDL uses this personal data to carry out TDL's obligations arising from any contracts entered into between the Referrer and TDL. This involves processes such as:

- the carrying out pathology tests, providing test results, and associated processing of bills for payment;
- providing test requesting and results delivery management tools;
- processing invoices on behalf of Referrers and obtaining payment, including where Referrers instruct us to send invoices directly to patients or third parties.

TDL only provides other organisation with access to the personal data where permitted to do so by the Referrer. Referrers typically permit TDL to provide access to:

- other parts of The Doctors Laboratory Group that act as sub-processors to carry out different aspects of the services;
- specialist third-party laboratories, where necessary to carry out certain types of tests;
- the patient's health insurer where the insurer is paying for the services;
- TDL's IT and finance service providers, but only to the minimum extent necessary for those providers to support the IT and finance systems that TDL uses to provide the services to the Referrer, and only under strict conditions of confidentiality;

- debt collection agencies where invoices are not paid, but only where the Referrer has instructed TDL that the patient has agreed to pay the invoice and only to the extent necessary to recover the money owed.

Referrers also typically instruct TDL to transfer the personal data to countries outside the European Economic Area (EEA) where this is necessary for providing the services, for instance because the Referrer is based outside the EEA or because the pathology samples need to be referred to specialist laboratories outside the EEA. Where TDL does this, it makes sure that appropriate safeguards are in place for the personal data, usually by using standard contract clauses approved by the European Commission.

## How TDL processes personal data about patients and requesting clinicians as a data controller

This part of the policy explains how TDL uses personal data about patients and requesting clinicians as a data controller.

### Purposes of processing

TDL acts as a data controller when it uses patients' and requesting clinicians' personal data for the following purposes:

Purpose	Description
Archiving	To maintain records that comply with Royal College of Pathologists guidance on the retention and storage of pathological records and specimens, as updated from time to time. Those records include patient records, laboratory worksheets used during the tests, test results, diagnostic images, quality control and assessment records relating to the tests, and other types of records described at in the guidelines available at <a href="http://www.rcpath.org">www.rcpath.org</a> .
Legal Advice	To take legal advice in the event of a legal claim relating to pathology services TDL has provided.
Mandatory Public Health Reporting	To report pathology test data to the relevant public body, such as Public Health England or any body which replaces it, as TDL is obliged to do by law. This data may be used, for example, to detect possible outbreaks of disease and epidemics.

### Categories of personal data

TDL processes the following categories of data for the purposes outlined above:

- **Health Data:** includes data about a patient's pathology samples, medical history and ethnicity where relevant to tests carried out by TDL, the types of pathology tests conducted, data about the test results and any clinical advice given by TDL's medical staff relating to the results, the identity of the clinician requesting the test, diagnostic images and similar health information produced as part of the test process, the patient's NHS number, and contextual data provided to TDL in relation to a patient's pathology test, for example travel information in the context of travel-related testing.
- **Identity Data:** includes name, date of birth, gender, and any identity number assigned to a patient's pathology samples.
- **Contact Data:** includes address, email address, and telephone number.

TDL only processes the minimum amount of Health Data and Identity Data necessary for these purposes, so the Health Data and Identity Data processed in a given case will not always include all of the kinds of data outlined above.

TDL obtains these categories of data from the clinician requesting the test, or the healthcare provider or health insurer referring the patient to TDL, or from the patient directly if the patient attends TDL's patient reception to provide a sample or if the patient sends the information with a sample directly to TDL as part of a self-testing arrangement.

### Lawful basis of processing

The lawful basis for processing these categories of data is as follows:

Purpose	Category	Lawful bases for processing
<b>Archiving</b>	Health Data	<p>This processing</p> <ul style="list-style-type: none"> <li>is necessary for the legitimate interests of TDL (the implementation of best practice in its clinical pathology laboratory) and those interests are not overridden by the interests of the data subject; and</li> <li>is necessary for the provision of medical diagnosis, health care or treatment, and/or the management of health care services, and is carried out under the responsibility of a health professional (a pathologist).</li> </ul>
	Identity Data and Contact Data	This processing is necessary for the purposes of TDL's legitimate interests (the implementation of best practice in its clinical pathology laboratory) and those interests are not overridden by the interests of the data subject.
<b>Legal Advice</b>	Health Data	This processing is necessary for the establishment, exercise or defence of legal claims.
	Identity Data and Contact Data	This processing is necessary for the legitimate interests of TDL (the establishment, exercise or defence of legal claims) and those interests are not overridden by the interests of the data subject.
<b>Mandatory Public Health Reporting</b>	Health Data, Identity Data and Contact Data	<p>This processing:</p> <ul style="list-style-type: none"> <li>is necessary for compliance with a legal obligation to which TDL is subject; and</li> <li>is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of applicable law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.</li> </ul>

## Recipients of the personal data

TDL provides the following recipients access to the Health Data and Identity data:

- other parts of The Doctors Laboratory Group that act as data processors on behalf of TDL to carry out those purposes;
- TDL's IT service providers, but only to the minimum extent necessary for those providers to support the IT systems that TDL uses to process the data, and only under strict conditions of confidentiality;
- in the case of data that TDL processes for Legal Advice, TDL provides access to the data to its professional legal advisors so that they can provide TDL with legal advice;
- in the case of data that TDL processes for Mandatory Public Health Reporting, TDL provides the data to any organisations that TDL is required to under applicable law.

## Retention of the personal data

TDL retains the Health Data and Identity Data only for as long as necessary to achieve the purpose for which TDL holds the data.

Purpose	Category	Retention Period
Archiving	Health Data, Identity Data, and Contact Data	The period specified in the Royal College of Pathologists guidance on the retention and storage of pathological records and specimens.
Legal Advice	Health Data, Identity Data, and Contact Data	TDL processes the data until the actual or threatened claim has been settled or determined by a court.
Mandatory Public Health Reporting	Health Data, Identity Data, and Contact Data	TDL processes the data by disclosing it to the public body which requires the mandatory public health reporting at the intervals required by that public body.

## Other information The Doctors Laboratory Group processes for business purposes

This part of the policy explains the ways that The Doctors Laboratory Group uses personal data for business purposes other than the activities described above in this policy.

The data controller for the data use described in this part of the policy is The Doctors Laboratory Limited. References to "TDL" in this part of the policy are to The Doctors Laboratory Limited.

## Categories of personal data

TDL uses the following categories of data:

- **Identity Data:** includes name, date of birth, and gender.
- **Contact Data:** includes address, email address, and telephone number.
- **Technical Data:** includes data that TDL collects when a person use TDL's website, such as the Internet protocol (IP) address used to connect the person's computer to the Internet, the person's login information, URL traffic external to (Referrers, search engines, third party site links) and internal pages within the TDL website, pages viewed within the TDL website, search requests

within the TDL website, page response times, length of visit, browser used, media device used to browse, Location, error pages or broken links.

- **Communications Data:** includes the preferences a person has expressed to TDL in relation to receiving marketing and other communications from TDL.

### How TDL obtains the personal data

TDL obtains the personal data referred to in this part or the policy from:

- **Direct interactions:** Individuals may give TDL data by submitting forms or corresponding with TDL by post, phone, email or otherwise. This includes personal data individuals provide when they subscribe to TDL’s newsletters or publications, enter into contracts with TDL or with other members of The Doctors Laboratory Group, register to use The Doctors Laboratory Group’s sites, or place an order on The Doctors Laboratory Group sites, report a problem with The Doctors Laboratory Group sites, or participate in communications or discussions on other social media platforms.
- **Automated technologies or interactions:** As individuals interact with the TDL website, TDL may automatically collect Technical Data about them. TDL collects this personal data by using cookies, and other similar technologies. More information regarding The Doctors Laboratory Group use of cookies can be found at <https://tdlpathology.com/cookie-policy>.
- **Third parties:** TDL may receive Technical Data from third party website analytics providers.

### Purposes of processing and lawful basis of processing

The table below describes the purposes for which TDL uses personal data, and the legal bases that TDL relies on when doing so.

Purpose	Category	Lawful bases for processing
To manage TDL’s relationship with an individual which will include: (a) Notifying the individual about changes to TDL’s terms, products or privacy policy. (b) Asking the individual to provide feedback or take a survey.	Identity Data Contact Data Communications Data	Performance of a contract. Necessary to comply with a legal obligation. Necessary for TDL’s legitimate interests (to keep TDL’s records updated and to study how customers use TDL’s products/services).
To administer and protect The Doctors Laboratory Group business and TDL’s website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data).	Identity Data Contact Data Technical Data Communications Data	(a) Necessary for TDL’s legitimate interests (for running TDL’s business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To use data analytics to improve the TDL website, products and services, marketing, and customer relationships.	Technical Data	Necessary for TDL’s legitimate interests (to keep TDL’s website updated and relevant, to develop TDL’s business and to inform TDL’s marketing strategy)

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To take legal advice and to, to enforce legal rights, or to defend legal claims.

Identity Data  
Contact Data  
Technical Data  
Communications  
Data

Necessary for TDL's legitimate interests (to take legal advice and to, to enforce legal rights, or to defend legal claims)

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### Recipients of the personal data

TDL provides the following recipients access to the personal data referred to in this part of the policy:

- TDL may share Technical Data with third party analytics providers.
- In the event that it sells or buys any business or assets or any member of The Doctors Laboratory Group does so, TDL may disclose personal data to the prospective seller or buyer of such business or assets.
- If TDL or a member of The Doctors Laboratory Group or substantially all of its assets are acquired by a third party the personal data will be one of the transferred assets.
- If TDL or a member of The Doctors Laboratory Group is under a duty to disclose or share personal data in order to comply with any legal obligation, TDL may disclose that personal data to the person entitled to receive disclosure.
- If TDL or a member of The Doctors Laboratory Group needs to enforce legal rights or to defend legal claims or take legal advice, TDL may disclose personal data to its legal advisors.
- TDL may exchange information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

### Retention of the personal data

TDL retains the personal data referred to in this part of the policy only for as long as necessary to achieve the purpose for which TDL holds the data.

To determine the appropriate retention period for personal data, TDL considers the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of the personal data, the purposes for which TDL processes the personal data and whether TDL can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different kinds of personal data are available in TDL's retention policy which you can request from TDL's Data Protection Officer using the contact details at the end of this policy.

### Principles that apply to all of the data that TDL processes as a data controller

This part of the policy contains information that applies to all personal data that members of The Doctors Laboratory Group process as data controller. In this part of the policy "TDL" refers to the member of the group that is acting as controller of the personal data, as described in the previous parts of this policy.

## How TDL keeps the personal data secure

TDL takes all reasonable steps to protect personal data. TDL is accredited to the international standard for the Management of Information Security (ISO27001:2013), certificates for which can be found in the Information Security section of this website.

In addition, TDL takes the following security measures:

- implementing procedures to comply with all relevant statutory requirements and monitoring internal procedures periodically to ensure that there is such compliance;
- complying with the General Data Protection Regulation;
- making all officers of The Doctors Laboratory Group, its employees and sub-contractors aware of the rules and procedures laid down by The Doctors Laboratory Group from time to time in respect to the security of information and the importance of confidentiality. Officers of The Doctors Laboratory Group, employees and sub-contractors have a duty to follow the rules laid down by The Doctors Laboratory Group and to co-operate with The Doctors Laboratory Group to ensure that this policy is effective. The Doctors Laboratory Group will, where it considers it appropriate, take disciplinary action against any officer or employee who fails to comply with these rules and procedures;
- taking measures to ensure the proper training, supervision and instruction of employees dealing with your information;
- requiring all sub-contractors to enter into confidentiality agreements in respect to information they acquire from The Doctors Laboratory Group;
- not retaining information for longer than is necessary for the purposes set out in this policy, and;
- establishing a committee chaired by a member of the Executive committee of The Doctors Laboratory Group to review confidentiality and security arrangements on a regular basis and to put in place measures to maintain and, where possible, improve information security.

## Where TDL stores personal data

Unless specific consent is sought and received, or another of the conditions for transferring data outside the EEA under applicable data protection law is satisfied (such as the inclusion of EU model contractual clauses in a contract with the supplier/ third party) TDL will not transfer personal data outside of the EEA when it acts as data controller.

## The rights of individuals

Individuals have the following rights in relation their personal data when TDL acts as data controller:

**Request access** to the personal data (commonly known as a "data subject access request"). This enables the individual to receive a copy of the personal data TDL holds about the individual and to check that TDL is lawfully processing it.

**Request correction** of the personal data that TDL holds. This enables the individual to have any incomplete or inaccurate data TDL holds about the individual corrected, under certain circumstances.

**Request erasure of personal data.** This enables the individual to ask TDL to delete or remove personal data where there is no good reason for TDL continuing to process it. TDL also has the right to ask TDL to delete or remove the individual's personal data where the individual has successfully exercised the right to object to processing (see below), where TDL has processed the personal data unlawfully or where TDL is required to erase the personal data to comply with local law.

**Object to processing** of personal data under certain circumstances, including to the use of the personal data for direct marketing.

**Request restriction** of processing of the personal data. This enables an individual to ask TDL to suspend the processing of the personal data under certain circumstances.

**Request the transfer of the personal data** to the individual or to a third party. Note that this right only applies to automated information which the individual initially provided consent for TDL to use or where TDL used the information to perform a contract with the individual.

**Withdraw consent at any time** where TDL is relying on consent to process the personal data. If consent is withdrawn TDL may not be able to provide certain services to the individual. TDL will advise the individual if this is the case at the time consent is withdrawn.

## Contact

The Doctors Laboratory Group has appointed a Data Protection Officer. Questions, comments and requests regarding this privacy policy are welcomed and should be made to the Data Protection Officer:

The Data Protection Officer  
The Doctors Laboratory Group  
1 Mabledon Place  
London  
WC1H 9AX

[dataprotection@tdlpathology.com](mailto:dataprotection@tdlpathology.com)