

The Doctors Laboratory Group Privacy Notice for Patients and Clinicians

As well as the steps set out in this policy, TDL is accredited to the international standard for Information Security Management Systems set out in ISO/ISE 27001, our certificate may be found at: <https://www.tdlpathology.com/media/p1jndoxy/sonic-healthcare-uk-is-655966.pdf>

This policy explains how The Doctors Laboratory Group uses personal data when a healthcare provider requests a pathology test for a patient.

There is a separate policy which explains how The Doctors Laboratory Group uses personal data when a patient requests a test directly from a member of The Doctors Laboratory Group.

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.

When a healthcare provider requests a pathology test for a patient the test and the associated laboratory services are carried out by one or more of the following members of The Doctors Laboratory Group:

- The Doctors Laboratory Limited (company number 02201998),
- TDL Genetics Limited (company number 03959656)
- LABex Analytics LLP (registration number OC430544)
- LABex Facilities LLP (registration number OC430548)
- HSL (Analytics) LLP (registration number OC391046).
- HSL (FM) LLP (registration number OC391023)
- HSL Pathology LLP (registration number OC401483)

In the rest of this policy, “**we**”, “**us**” and “**our**” means whichever of those organisations is providing the pathology test and associated laboratory services.

Who is the data controller?

When we carry out pathology tests and associated laboratory services we do so under contract for a healthcare provider or health insurer that refers the patient for diagnostic tests (“**the Referrer**”).

When we provide services for a Referrer we process personal data about the patient and the clinician who requested the services or who will receive the results. We process 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 us about the patient, which tests to carry out, who the results should be reported to, and the method for transmitting the test request and results. This means that we act 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 we use personal data to provide the services to the Referrer. The Referrer is responsible for explaining those uses to you.

This policy explains how TDL typically processes personal data on behalf of Referrers. You should contact the Referrer to find out how personal data is used in your particular case. We use some of the personal data we hold about patients and requesting clinicians for purposes that are not part of the services we provide to Referrers. When we use data for those other purposes we act as a data controller. This policy also explains how we use personal data as a data controller.

How we typically processes personal data about patients and requesting clinicians on behalf of the data controller

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

Typically the personal data about patients and requesting clinicians comes from the requesting clinician or the Referrer. The Referrer sends TDL personal data in addition to pathology samples (body fluids or tissues) and requests that pathology tests are carried out upon those samples. In some cases we collect the data directly from the patient on behalf of the Referrer. This happens, for example, when a patient attends our patient reception to provide a sample.

The information provided to us typically includes:

- 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 include information about the patient's medical history if this is relevant for carrying out the pathology test;
- 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.

We use this personal data to carry out obligations arising from any contracts entered into between the Referrer and members of The Doctors Laboratory Group. This involves processes such as:

- 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. Where Referrers instruct us to send invoices directly to patients or third parties we will contact the patient or third party to seek payment.

We only provide other organisation with access to the personal data where permitted to do so by the Referrer. Referrers typically permit us 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;
- our IT and finance service providers, but only to the minimum extent necessary for those providers to support the IT and finance systems that we use 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 us that the patient has agreed to pay the invoice and only to the extent necessary to recover the money owed.

Referrers also typically instruct us to transfer the personal data to countries outside the UK and 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 we do this, we makes sure that appropriate safeguards are in place for the personal data, usually by using contractual clauses approved for that purpose under data protection law.

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

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

Purposes of processing

We act as a data controller when we use patients' and requesting clinicians' personal data for the following purposes:

Purpose	Description
Archiving	We 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 in the guidelines available at www.rcpath.org .
Legal Action	In the event of a legal claim relating to any pathology services that we have provided we will use any personal data relevant to the claim in order to take legal advice, communicate with our insurers about the claim, and to defend or settle the claim.
Mandatory Public Health Reporting	We are required by law to report certain pathology test data to public bodies in the UK with responsibility for public health, such as the UK Health Security Agency. We share data with those public bodies in order to comply with our legal obligations.

Categories of personal data

We process 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 us, the types of pathology tests conducted, data about the test results and any clinical advice given by our 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 us 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.

We only process 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.

We obtain these categories of data from the clinician requesting the test, or the healthcare provider or health insurer referring the patient to us, or from the patient directly if the patient attends our patient reception to provide a sample or if the patient sends the information with a sample directly to us 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
Archiving	Health Data	This processing <ul style="list-style-type: none"> is necessary for our legitimate interests (the implementation of best practice in our clinical pathology laboratory) and those interests are not overridden by the interests of the data subject; and 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).
	Identity Data and Contact Data	This processing is necessary for the purposes of our 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.
Legal Action	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 our legitimate interests (the establishment, exercise or defence of legal claims) and those interests are not overridden by the interests of the data subject.
Mandatory Public Health Reporting	Health Data, Identity Data and Contact Data	This processing: <ul style="list-style-type: none"> is necessary for compliance with a legal obligation to which we are subject; and 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.

Recipients of the personal data

We provide the following recipients access to the Health Data and Identity data:

- other parts of The Doctors Laboratory Group that act as data processors on our behalf to carry out those purposes;

- our IT service providers, but only to the minimum extent necessary for those providers to support the IT systems that we use to process the data, and only under strict conditions of confidentiality;
- in the case of data that we process for Legal Action, we provide access to the data to our professional legal advisors so that they can provide us with legal advice and to our insurers;
- in the case of data that we process for Mandatory Public Health Reporting, we provide the data to any organisations that we are required to under applicable law.

Retention of the personal data

We retain the Health Data and Identity Data only for as long as necessary to achieve the purpose for which we hold 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 Action	Health Data, Identity Data, and Contact Data	We process 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	We process the data by disclosing it to the public body which requires the mandatory public health reporting at the intervals required by that public body.

How we keep the personal data secure

We take all reasonable steps to protect personal data. We are accredited to the international standard for the Management of Information Security (ISO27001:2013).

In addition, we take 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 UK 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 we store personal data

When we are the data controller we store the personal data in the UK.

Your rights

You have the following rights in relation your personal data when we act as data controller:

Request access to the personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold. This enables you to have any incomplete or inaccurate data we hold about you corrected, under certain circumstances.

Request erasure of personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised the right to object to processing (see below), where we have processed the personal data unlawfully or where we are required to erase the personal data to comply with local law.

Object to processing of personal data under certain circumstances.

Request restriction of processing of the personal data. This enables you to ask us to suspend the processing of the personal data under certain circumstances.

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

Make a complaint to us: If you believe we have mishandled your personal data, you can submit a complaint to us using the contact details at the end of this policy. When you contact us please provide your **full name, contact details, and a clear description** of what you believe has gone wrong and **what you would like us to do differently**. If your complaint is about how we have handled your pathology test results please also provide the name of the **doctor, clinic or hospital that requested the test** from us. We will investigate your complaint and contact you about the outcome.

Make a complaint to the ICO: You have the right to lodge a complaint with the Information Commissioner's Office if you believe we have not complied with our data protection obligations.

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