

Privacy Notice

Birmingham Head and Neck Clinic LLP: ZB563895 trading as Birmingham Ear, Nose and Throat Clinic ('LLP' or 'us' or 'we') is committed to protecting and respecting your informational privacy.

This Privacy Notice explains how, when and why we use your personally identifiable information and explains your rights in relation to that information. Your personally identifiable information is described and referred to in this Privacy Notice as your 'personal information' or your 'personal data'.

This Privacy Notice also explains how others, including other organisations we work with, may or will use your personal data.

This Privacy Notice applies to:

- Our website
www.birminghamearnoseandthroatclinic.com
- Our customers, or prospective customers of our services;

By accessing and using our website or engaging us to provide you with our services or completing an online enquiry form, you agree to the collection, use, storage and transfer of your personal information under the terms of this Privacy Notice including our terms and conditions of business <https://birminghamearnoseandthroatclinic.com/terms-and-conditions/>; the Data Protection Act 2018 and the UK General Data Protection Regulation ('UK GDPR'); and, the Privacy and Electronic Communications Regulations 2003 ('PECR').

Please note that this Privacy Notice does not apply to third-party websites that are accessible via any links contained in our website. If you choose to click on those links you may permit third parties to collect and/or share your personal data with others. We are not responsible for any third-party websites or their Privacy policies.

Our services (including our website) are not intended to be used by any person under the age of 18. As a result, we neither intend nor knowingly collect personal information from anyone under the age of 18. If you are under 18 and wish to ask a question or use our website in a way that requires you to submit any personal information, please ask your parents or guardian to do it on your behalf. If we learn that we have unknowingly collected personal information from someone under the age of 18, we will delete that information as quickly as possible.

Who we are and what we do

We are a United Kingdom based facilitator of private healthcare services. We provide administrative support in relation to privately-funded (self-pay) medical services that you choose to receive from independent specialist medical practitioners. Our services may vary depending upon the medical treatment you require or as otherwise agreed with you and could include:

- helping you to select a consultant (or, where appropriate, consultants) with experience in the medical condition you are experiencing;
- helping you select a suitable private healthcare facility and provider;
- arranging and booking appointments with your selected consultant(s) and private healthcare facility;
- collecting payments from you for your treatment and paying the relevant consultant(s) and/or the private healthcare provider for their services on your behalf; and
- providing such other services as we reasonably consider necessary in the circumstances in order that you can benefit from your privately-funded medical services;

Please note that more details of our services are included on our website birminghamearnoseandthroatclinic.com and our self-paying patient terms and conditions.

Identity of data controller

Birmingham Centre for Abdominal and Digestive Health LLP is a Limited Liability Partnership registered in England and Wales with registration number **OC438397**. Our registered office is at Fairlawn Studio Tricorn Studios, Tricorn House, Hagley Road, Birmingham, England, B16 8TU. The LLP is registered with the Information Commissioner's Office (the 'ICO') as a data controller with registration reference **ZB563895**.

The ICO is the United Kingdom's independent regulatory authority in relation to data protection matters and information rights. If you have any enquiries, concerns or complaints about our data processing activities, please contact us either by:

- telephone on **0121 274 5181** between 8am – 8pm Monday – Friday; or,
- email at info@birminghamearnoseandthroatclinic.com, or,
- post to Fairlawn Studio, Tricorn Studios, Tricorn House, Hagley Road, Birmingham, B16 8TU.

The ICO also provides a helpline and complaints service and can be contacted at: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or at www.ico.org.uk or by telephone on 0303 1231113.

Securing your personal information and your responsibilities

We take the security of your personal information very seriously and we use appropriate security measures to protect your informational privacy.

Although it is our responsibility to ensure compliance with UK data protection laws we also ask you to act responsibly with your own personal data; so please:

- Make sure you read this Privacy Notice and make sure that you fully understand its contents. If you have any questions about it please contact us by telephone, email or by post (details above);
- If you believe your informational privacy has been breached by using our website or in any dealings you have with us, please contact us immediately;
- Although we use appropriate security measures to protect your informational privacy and follow industry best practice, you must understand that unfortunately, any form of data transmission which is based upon or which uses the Internet (including unencrypted emails) can never be guaranteed as completely secure.

Please also see the section below **'How is your Information Protected?'**

What information do we collect about you

1 VISITORS TO OUR WEBSITE

We will collect information about you when you access or visit our website (including when you complete any online forms); when you search our website for information about our services; or, if you request further information from us.

The type of information we may collect from you when you visit or search our website, may include your name, postal address, e-mail address and telephone number (if you complete the online contact sign up form); as well as information about your computer or mobile device which is captured via analytics software such as Google Analytics or other similar technologies. The information we collect includes details of your visits to our website, traffic data, location data, your IP address, operating system and browser type (please also see our Cookies policy).

If you contact us, we may keep a record of any communication you make with us. The length of time we keep our records is dependent upon the nature and purpose of the communication and the terms of our data retention policy (see paragraph 1.2 and 2.2 below on **'How long do we hold your personal information'**).

1.1 How do we use the information we collect about you?

- To contact you about your website enquiry or for your views on our services;
- If you agree, to keep you informed about the services that we offer;
- To manage, maintain and improve the performance of our website and to provide targeted information about our services.

1.2 How long do we hold your personal information?

We only retain your personal information derived from your visit to our website for up to three months from the date of your last website visit. However, if you make an online enquiry, we will treat you as a prospective customer and will retain your personal information in accordance with paragraph 2.2 below.

2 CUSTOMERS AND PROSPECTIVE CUSTOMERS

We will collect personal information about you from your first point of contact with us in order to make sure that both you and us have all the necessary information needed for you to be able to decide the course of treatment that is right for you and for us to be able provide support services. We also collect personal information about you if you ask for further information from us; or, if you make a complaint or claim.

The type of personal information we may collect from you includes:

- Personal details (your name, age and gender);

- Contact details including your home and email address and telephone numbers;
- If you decide to proceed with a self-pay consultation, we will ask you for any personal information you might already have or that you may subsequently receive, about your health. For example, a GP referral letter, the results of any medical tests (including imaging (X-Rays, Ultra sounds and scans) and other health records. Upon receipt of your personal health information we will collate your personal health information and we may share and/or make your personal health information available to your consultant and the private hospitals, clinics and/or diagnostic centres that we work with before, during and after (as may be required on a case by case basis) your initial consultation takes place or any follow-up consultations that are required;
- Financial details (credit/debit card and bank details);

2.1 How do we use the information we collect about you?

- To process and manage your consultation and chosen medical procedures;
- To share your personal data with your consultant; private hospital or clinic or diagnostic centres for the purposes of your consultation and procedures;
- To share your personal data with your NHS general practitioner;
- Account management, including payment, debt management and refunds;
- For record-keeping purposes;
- To contact you and respond to your enquiries or complaints;
- For claims management and insurance purposes;
- To notify you about important changes or developments relating to your consultation and chosen procedures;
- If you agree, to keep you informed about our services.

2.2 How long do we hold your personal information?

We retain our customer and/or prospective customer data for as long as it is necessary to fulfil the purposes it was collected for, which we assess by reference to the following criteria: (i) as required in order to satisfy the obligations we have for any legal, accounting, regulatory or reporting purposes; or, (ii) as necessary to resolve complaints or disputes. We keep our data retention policy under regular review and where possible aim to delete personal data relating to individual customers after a maximum period of fifteen years from the date of your last use of our services.

Basis of our lawful processing

The obligations imposed on us by data protection law means that we can only use your personal data if we have a lawful reason to do so. In this section we explain the lawful reasons we have for using your personal data:

Our contract with you

We must use your personal data because it is necessary for the purposes of: (i) the formation, performance or termination of our agreement with you in relation to the supply of our services (including any complaints and claims) in accordance with our terms and conditions of business <https://birminghamearnoseandthroatclinic.com/terms-and-conditions/> and for our agreements with the consultants and private hospitals, clinics or diagnostic centres that we work with; or, (ii) because you have asked us to take specific steps before entering into such an agreement.

In summary, processing your personal data is contractually necessary for:

- The sale and supply of our services to you;
- Administering your consultation and chosen medical procedures, delivery of our services, receiving and making payments and refunds;
- Making appointments with third parties on your behalf such as with consultants and their secretarial support services, private hospitals, clinics or diagnostic centres and other related intermediaries;
- Account management, including providing and administering medical information to authorised third parties;
- Administrative tasks relating to our contract with you, including providing customer service messages and notifications relating to processing payments and managing claims;

Our legal obligations

Processing your personal data is necessary to fulfil a legal obligation that we are required to comply with such as adhering to the requirements imposed by UK legislation or other mandatory obligations imposed by public law agencies such as Income Tax Acts, VAT Acts, Companies Acts; the regulatory requirements imposed by HMRC and the ICO; anti-money laundering measures; the prevention and detection of fraud; responding to a request from the English courts or from the police; defending or exercising legal rights; our insurance obligations and ICO record keeping obligations.

Your consent

Where you have given us your explicit consent for us to process your personal data for any of the following specified purposes:

- Processing any special category data strictly necessary for the processing and performance of your consultation or chosen medical procedures;¹ but see also the section below on **'Processing Special Category Data'**;
- When you visit or use our website;
- Sending you notifications, text messages and emails about our products and services, events and promotions;

Please also see the sections below on **'Processing Special Category Data'** and **'Keeping You Informed'**.

Our legitimate interests

Where the processing of your personal data is necessary for our own legitimate interests or for the legitimate interests of a third party, provided that those interests are not outweighed by your own individual rights and interests.

Our legitimate interests are:

- Delivering, developing, and improving our services;
- Our direct marketing activities, including determining whether our marketing activities are effective;
- Recording and monitoring telephone calls for training purposes and to improve the quality of our services;
- Improving customer facing services, including managing complaints;
- Producing management information;
- Preventing crime and detecting fraud.

We do not make your personal details available to third party companies for marketing purposes. We do not rent or trade marketing lists with other organisations or businesses. You can withdraw your consent to our marketing emails at any time either by clicking on the 'Unsubscribe' link in our notifications, messages or emails (where applicable) or by replying to our email with the words 'please unsubscribe' or calling Customer Services on **0121 274 5181**.

Processing Special Category Data

Where we collect, process and store any of your special category data (which includes your personal health information), we only do so with your explicit consent or because:

- Processing is necessary for the purposes of medical diagnosis or treatment, or the provision of health care pursuant to a contract with a health professional and which contract is under the responsibility of a professional person who is subject to the obligation of professional secrecy;
- Processing is necessary in the event of emergency, to protect your vital interests if you become physically or legally incapable of giving consent;
- It is necessary for reasons of public interest in the area of public health such as protecting against serious cross-border threats to health;
- It is necessary for the establishment, exercise or defence of legal claims either when we are faced with any legal claims made against us or where we pursue legal claims ourselves;

Children's Personal Data

We do not intend or knowingly process Children's personal data (which we consider to be the personal information of a person under the age of 18). Personal data that relates to children will be deleted as soon as possible after we are made aware of the data involved. For the avoidance of doubt, we do not send marketing communications to children nor do we use automated decision-making about children.

Where is the Data stored?

All personal data collected by us is stored within the European Economic Area (EEA). In some instances, we may choose to engage other companies to store or process your personal data on our behalf. In every case, where we choose to do that, we will ensure that any company that we engage is subject to the same standards of data security and provides you with the same level of personal data protection as we provide to you.

Please also see the section **'Sharing and transferring your personal data with or to third parties'** below.

Keeping you informed

If you are an existing customer and/or have used or enquired about our services before, then we may also use the information we collect to let you know about our other services which may be of interest to you and to keep you updated with information about our services.

However, if you no longer want to receive information of this kind from us you can withdraw your consent at any time either by replying to our email with the words 'please unsubscribe' or calling Customer Services on **0121 274 5181**.

Sharing and transferring your personal data with or to third parties

Depending on the services that we provide to you, we will need or we may choose to share and/or transfer your personal data with or to other organisations and companies in order to provide our contracted services to you or to meet our legal obligations.

We will only share and/or transfer your personal information to medical professionals, private hospitals, clinics or diagnostic centres or such other organisations and companies necessary in order to deliver the services (including support services) you have asked for and/or that we are administering on your behalf. These services may include but are not limited to meeting our contractual obligations owed to you; the discharge of our own legal obligations; answering your questions about our services; sending postal mail and e-mails to you and to others; and, where necessary to respond to the exercise of your information rights or to obtain professional advice.

How is your Information Protected?

We have appropriate security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Any processing of your information will only be carried out in an authorised manner and is subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so. Please also see the section above on **'Your Responsibilities'**.

If you want detailed information on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

Cookies

To obtain further information relating to the Cookies operating on our website, please view our **Cookies Policy**.

Other Websites

Our website contains links to other sites such as accreditation companies and/or official regulating bodies. The Company is not responsible for the privacy practices or the content of such websites.

Your Information Rights

The UK GDPR, gives you a number of important Information Rights which in most cases you can exercise and request free of charge. However, your ability to exercise your Information Rights depends on various factors, and in some cases it will not be possible for us to agree to your request e.g. where legal obligations or legal exemptions override your information rights or where the specific right you seek does not apply to the type of information we hold.

In summary, your Information rights are:

- The right to obtain confirmation from us as to whether or not we are processing your personal data and if we are, the right to be provided with certain supplementary information about our processing activities; however, please note that this Privacy Notice is already designed to provide you with that supplementary information;
- The right to ask us to correct any mistakes contained in the personal information we hold about you;
- The right to require us to erase your personal data in certain situations;
- The right to data portability, which means the right for a third party you have chosen to receive an electronic copy of the personal data you have given to us;
- The absolute right to object at any time to processing your personal data where we only use it for direct marketing;
- The right to object to decisions being taken about you based solely on automated means which produce legal effects concerning you or are similarly significant in how they affect you;
- The right to object in certain other situations to our continued processing of your personal information;
- The right to otherwise restrict our processing of your personal information in certain circumstances.

For further information on each of these Information Rights, including the circumstances in which they apply, please see the Guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under the General Data Protection Regulation, the link is here <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If you would like to exercise any of the Information rights set out above, please contact us at info@birminghamearandthroatclinic.com or write to us at Birmingham Centre for Abdominal and Digestive Health LLP, Fairlawm Studio Tricorn Studios, Tricorn House, Hagley Road, Birmingham, England, B16 8TU. Please provide us with enough information to identify you and let us know the information to which your request relates.

We always want to make sure that the personal information we hold about you is accurate and up to date. Therefore, if you think any information we hold about you is incorrect or incomplete, please email or write to us at the addresses given above as soon as possible so we can update our records.

Changes to this Privacy Notice

We keep our Privacy Notice under regular review and if we change our Privacy Notice we will post those changes on this page so that you are always aware of what personal information we collect and how we use it. You should therefore refer to this policy regularly.

¹ Relating to racial or ethnic origin, religious or philosophical beliefs, genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life and sexual orientation.