



Dr A Hayat & Partners

# Maybush Medical Centre

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## Patient Privacy Notice

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## 1. Introduction

Maybush Medical Centre (“**the Practice**”) collects and uses personal data about you in order to provide your healthcare. Our aim is to maintain full and accurate records of the care we provide for you and keep this information confidential and secure.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection legislation
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Under the General Data Protection Regulation (GDPR), Practices must provide privacy notices to patients who they process personal data about. This privacy notice explains:

- the types of information we collect about you;
- the purposes for which we use that information;
- who we may share your information with;
- how long we keep information about you for;
- where the information about you is stored;
- the rights you have under data protection legislation;
- the contact details if you have any queries or concerns.

### 1.1 GDPR - what are my rights

The GDPR gives individuals rights about their personal data. Under the GDPR, you have a number of rights:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information the Practice holds about you and to check that the Practice is lawfully processing it;
- **Request correction** of the personal information that the Practice holds about you. This enables you to have any incomplete or inaccurate information the Practice holds about you corrected;
- **Request erasure** of your personal information. This enables you to ask the Practice to delete or remove personal information where there is no good reason for the Practice continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing;
- **Object to processing** of your personal information where the Practice is relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where the Practice is processing your personal information for direct marketing purposes. You also have the right to object where the Practice is processing your personal information for direct marketing purposes or for research/ statistical purposes;

- **Request the restriction of processing** of your personal information. This enables you to ask the Practice to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it;
- **Request a copy of personal data** you have provided in a structured, commonly used and machine readable format.

The above rights do not always apply. You can find out more about your rights under the GDPR through the Information Commissioner’s Office at <https://ico.org.uk>.

## 1.2 Terms used in this notice

This notice refers to your “**Care Team**”. Your Care Team is made up of the health and social care staff who provide or support your care directly. This includes doctors, nurses and social workers, as well as members of staff who provide administrative or technical support like receptionists, porters and laboratory technicians.

This notice talks about “**personal data**”. Personal data is any information relating to a living individual who can be identified from the information.

There are strict rules that apply to “**special category data**”. This is sensitive personal data about:

- your health (including mental health);
- genetic data and biometric data where processed to uniquely identify an individual;
- your sex life;
- your sexual orientation;
- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs; and
- any trade union membership.

## 2. How we collect and look after your data

### 2.1 Who is responsible for my information

Maybush Medical Centre is the data controller for your information and is responsible for looking after your record while you are a registered patient. The person with the key responsibility for data protection and security is Dr Ansar Hayat.

The Interim Data Protection Officer for Maybush Medical Centre is the Practice Manager, however there is on-going discussions within Wakefield that Conexus, our local GP Confederation, will appointment to this post who will work independently in this role to support all Wakefield Practices. Any queries or concerns should be raised with the Practice Manager in the first instance.

## 2.2 Why do we collect information

As health care professionals, we maintain records about you in order to support your care. By registering with the Practice, your existing records will be transferred to us from your previous Practice so that we can keep them up to date while you are our patient; if you do not have a previous medical record (e.g. a new-born child or coming from overseas), we will create a medical record for you. We take great care to ensure that your information is kept securely, that it is up to date, accurate and used appropriately. All of our staff are trained to understand their legal and professional obligations to protect your information and will only look at your information if they need to.

## 2.3 What information do we hold about you

The information the Practice uses and stores about you, includes:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses;
- Biographical information like your date of birth, nationality, gender, marital status and dependants;
- Information about your next of kin and carers (including their contact details, relevant medical history if required and emergency contact information);
- Your NHS number;
- Communications with or about you, for example letters and emails between the Practice and you or letters you ask us to write to your employer;

The Practice may also use and store the following special category data about you:

- Notes and reports relevant to your health, including any information you have told us about your health;
- Details of your treatment and care, including the professional opinion of the staff caring for you;
- Results of investigations, such as laboratory tests and x-rays;
- Relevant information from health and social care professionals, relatives or those who care for you;
- Information about your ethnicity, sexual orientation, sex life, religious beliefs or opinion or genetic data where this is relevant to your care or is information that you have provided to us as part of your care;
- Equality and diversity information about you. This may include details of your ethnicity, sexual orientation, religious or philosophical beliefs or any disability.

## 2.4 How is my information stored

Information may be stored in a paper record form (for example your medical notes and letters) or electronically on a computer system called SystemOne.

## 2.5 What is the legal basis used to process my information

We may use your information to:

- Provide you with health or social care. This can be either NHS care or care that is paid for by you or your insurer;
- Help other organisations provide you with health or social care;
- Communicate with you and, if appropriate your next of kin and/or carer(s), about your care;
- Carry out internal audits and monitor the care the Practice provides to ensure it is of the highest standard;
- Monitor differences in access to services or health outcomes between different groups of people (often called health inequalities) and other equality/diversity work;
- Get feedback on our service and respond to any complaint from you;
- Keep you up to date about developments at the Practice, like a change in opening hours or changes of staff;
- Respond to queries from regulators like NHS Digital, the Care Quality Commission, the General Medical Council, the Audit Commission, Nursing & Midwifery Council and the Health Service Ombudsman;
- Conduct legal claims, comply with a court order or other legal obligation, seek legal advice or advice about insurance coverage or other assistance from our professional advisors;
- Provide information to national registries that systematically collect data about particular conditions to help research or evaluate care like the National Diabetes Audit collection
- Prevent or manage risks to public health;
- Ask you whether or not you want to participate in research projects;
- Produce anonymous information that we can use to train and educate the Practice's staff. We will only use information from which you can be identified for training purposes if you have agreed to this beforehand;
- If you agree, to help other organisations provide you with other public services;
- If you ask us to, to provide reports on your health to your employer, an insurer or other organisation;
- To produce anonymous information to assist with:
  - Assessing and planning the way services are delivered and paid for now and in the future;
  - Helping with financial management;
  - Informing audits carried out by external organisations that assess how we deliver care and our financial management.
- Informing analysis carried out by people outside of your Care Team that is used to identify individuals or groups of individuals who are at risk from ill-health or many benefit from a particular treatments, and to offer appropriate care.

Under data protection laws, each purpose for which we use your information must comply with one or the GDPR conditions for processing. You can find out more about the conditions for processing at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>.

The following table sets out conditions the Practice relies on when processing personal data:

Purpose of using personal data	Legal basis of processing	Special category of data
Provision of direct care and related administrative purposes  e.g. e-referrals to hospitals or other care providers	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems
For commissioning and healthcare planning purposes  e.g. collection of mental health data set via NHS Digital or local	GDPR Article 6(1)(c) – compliance with a legal obligation	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.  Special category 9(2)(i) – public interest in the area of public health
For planning and running the NHS (other mandatory flow)  e.g. CQC powers to require information and records	GDPR Article 6(1)(c) – compliance with a legal obligation (the GP practice)  Regulation 6(1)(e) – the performance of a task carried out in the public interest (CQC)	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.  Special category 9(2)(i) – public interest in the area of public health
For planning & running the NHS – national clinical audits	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.  Special category 9(2)(i) – public interest in the area of public health
For research	GDPR Article 6(1)(f) – legitimate interests except where such interests are overridden by the interest or fundamental rights and freedoms of the data subject.  GDPR Article 6(1)(e) – the performance of a task carried out in the public interest  GDPR Article 6(1)(a) – explicit consent	GDPR Article 9(2)(j) – scientific or historical research purposes or statistical purposes

<b>Purpose of using personal data</b>	<b>Legal basis of processing</b>	<b>Special category of data</b>
For safeguarding or other legal duties	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest  Regulation 6(1)(c) – compliance with a legal obligation	GDPR Article 9(2)(b) – purposes of carrying out the obligations of social protection law.
When you request us to share your information e.g. subject access requests	GDPR Article 6(1)(a) – explicit consent	GDPR Article 9(1)(a) – explicit consent

If we are relying on your consent in order to process your personal data, (GDPR Article 6(1)(a) – explicit consent), you are able to withdraw your consent to the processing at any time. Please see Section 6 - Opting out of data sharing for more details.

## 2.6 How long does the Practice hold my information

As long as you are registered as a patient with Maybush Medical Centre your paper records are held at the Practice along with your GP electronic record. If you register with a new Practice, they will initiate the process to transfer your records. The electronic record is transferred to the new Practice across a secure NHS data-sharing network and all Practices aim to process such transfers within a maximum of 8 working days.

The paper records are then transferred via Primary Care Services England (PCSE - operated on behalf of NHS England by Capita) which can take longer. PCSE also look after the records of any patient not currently registered with a Practice and the records of deceased patients.

## 2.7 Changes in personal details

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

## 2.8 How can I see what information you hold about me

You have a right under data protection legislation to request to see what information the Practice holds about you (Subject Access Request). You also have the right to ask for inaccuracies to be corrected and in some circumstances you have the right to request that we stop processing your data. Some of these rights are not automatic and we reserve the right to discuss with you why we might not comply with a request from you to exercise them.

If you make a Subject Access Request (SAR), we will:

- describe the information we hold about you
- tell you why we are holding that information
- tell you who it might be shared with
- provide a copy of the information in an easy to read form.

In order to request this, you need to do the following:

- Your request must be made in writing – for information from the hospital you should write direct to them
- We will provide copies (via online access, by email or in paper format) free of charge. Where requests for paper copies of medical records are made by Solicitors, on behalf of patients, the Practice will make these available for the patient to collect. Only in exceptional circumstances will these be posted out to the Solicitor
- The request must be complied with without delay and at least within **one calendar month** of receipt of the request. This period can be extended for a further two months where requests are complex or numerous; however the Practice must inform the individual within one month of receipt of the request and explain why the extension is necessary.

You will need to give enough information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

Under GDPR the Practice must provide information free of charge. However, we can charge a “reasonable fee” when a request is manifestly unfounded or excessive, particularly if it is repetitive. The fee will be based on the administrative cost of providing the information only.

If you would like to make a Subject Access Request or have any further questions, please contact Reception.

## 3 How is my information used

### 3.1 For provision of direct care

In the Practice, individual staff will only look at what they need in order to carry out such tasks as booking appointments, making referrals, giving health advice or provide you with care.

Sometimes your information may be used to run automated calculations. These can be as simple as calculating your Body Mass Index but they can be more complex and used to calculate some risks to your health that we should consider with you. The ones we use in Practice include Qrisk (cardiovascular risk assessment – usually following an NHS Healthcheck), and eFI (electronic frailty index).



Whenever we use these profiling tools, we assess the outcome on a case-by-case basis. No decisions about individual care are made solely on the outcomes of these tools but they are used to help us assess and discuss your possible future health and care needs with you.

We share information about you with other health professionals where they have a genuine need for it to support your care, as follows:

- NHS Trusts / Foundation Trusts
- GPs
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians,
- Pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Health and Social Care Information Centre (HSCIC)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers

### 3.1 Triage and clinical review of referrals

Personal information will be processed on behalf of general practice to enable more effective referrals. This will involve the processing of information by:

- NHS Wakefield CCG “The Referral and Information Support Hub” (TRISH); and
- Clinical staff employed to undertake specialist clinical review or clinical peer review

These staff will be processing information lawfully to aid in your direct healthcare. The data shared will be name, address, e-mail address, date of birth, NHS number, age, gender, ethnic origin, physiology measurements, past investigation results, current and past medications, preferred language, current and past medical problems, family history. Following completion of the processing of information in relation to the referral, the CCG will ensure appropriate return and/or destruction of the information to the Data Controller in accordance with the Data Processing agreement that is in place for this piece of work.

More information can be found at: [TRISH@wakefieldccg.nhs.uk](mailto:TRISH@wakefieldccg.nhs.uk)  
Tel: 01924 317770.

## 3.2 For commissioning and healthcare planning purposes

In some cases, for example when looking at population healthcare needs, some of your data may be shared (in such a way that you cannot be identified from it). The following organisations may use data in this way to inform policy or make decisions about general provision of healthcare, either locally or nationally:

- Wakefield Metropolitan District Council : Public Health, Adult or Child Social Care Services
- Embed Health Consortium (NHS Commissioning Support Unit)
- Wakefield Clinical Commissioning Group
- NHS Digital (Formerly known as (HSCIC)
- ResearchOne Database (SystemOne practices)
- Other data processors which you will be informed of as appropriate.

In order to comply with its legal obligations we may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012.

This practice contributes to national clinical audits and will send the data which is required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form, for example, the clinical code for diabetes or high blood pressure.

## 3.3 For research purposes

Research data is shared in a way that individual patients are non-identifiable. Occasionally where research requires identifiable information you may be asked for your explicit consent to participate in specific research projects. The Practice will always gain your consent before releasing any information for this purpose.

Where specific information is asked for, such as under the National Diabetes audit, you have the choice to opt of the audit.

## 3.4 For safeguarding purposes, life or death situations or other circumstances when we are required to share information

We may also disclose your information to others in exceptional circumstances (ie life or death situations) or in accordance with Dame Fiona Caldicott's information sharing review (Information to share or not to share). For example, your information may be shared in the following circumstances:

- When we have a duty to others e.g. in child protection cases
- Where we are required by law to share certain information such as the birth of a new baby, infectious diseases that may put you or others at risk or where a Court has decided we must.

## 4. Sharing your information

Your health information can be shared both locally and nationally as follows:

#### 4.1 To provide you with direct care

As part of providing you with care we may need to share your information. This includes sharing information with:

- NHS hospitals;
- Organisations that help deliver NHS services outside of hospital;
- Private sector organisations that deliver healthcare such as private hospitals, dentists, opticians and pharmacists;
- Out-of-hours providers e.g. organisations providing out of hours GP services
- Voluntary sector organisations that deliver healthcare such as charities;
- Local authorities such as social workers, education services, children's services, housing or benefit offices;
- Organisations that provide diagnostic tests;
- Organisations that provide ambulance or patient transport services such as NHS Ambulance Trusts;
- Other organisations involved in the delivery of NHS care, social care or the protection of public health, like Public Health England which oversees cancer screening programmes.

#### 4.2 With other NHS organisations not involved in direct care

Information about NHS patients may also be shared with other organisations that support or regulate the delivery of NHS services but who are not directly involved in your care. These organisations include:

- NHS England – an NHS organisation with responsibility for funding NHS services. NHS England keeps a record of all patients registered with GP practices in England. NHS England may also process GP patient information when managing practice closures and list dispersals (the process used to allocate patients to neighbouring GP Practices);
- A Clinical Commissioning Group (CCG), for example if you are applying to the CCG for special NHS funding for your treatment;
- Your new NHS GP practice if you move Practices;
- Primary Care Support England, if you are no longer registered with us but have not registered with a new GP. Primary Care Support England is a service commissioned by NHS England to support the delivery of NHS services by GP practices;
- NHS Digital, which gathers information from across the health and social care system in England;
- Regulators, like the Care Quality Commission, the General Medical Council, the Audit Commission, Nursing & Midwifery Council and the Health Service Ombudsman.

### 4.3 To provide you with care paid for by you or through an insurance policy

If the care we are providing you with, is not NHS funded (“private care”), then we will only share information with NHS services where this is necessary for the delivery of the private care, or if you agree for us to do so.

### 4.4 With your next of kin or carer

With your agreement, information can be shared with relatives, partners or friends who act as a carer for you. We may share information with anyone you have given as an emergency contact, for example your next of kin.

### 4.5 With other contractors

We may also need to share your information with organisations that provide back office support to the Practice in its delivery of services. These organisations are known as “data processors”. These organisations are only able to use your personal data in accordance with the Practice’s instructions. These organisations include:

- IT suppliers;
- Telephone services suppliers;
- Suppliers of web hosting services;
- Suppliers that the Practice uses to develop and improve the technology we use, including our website and electronic patient records.

### 4.6 For other purposes

Usually the Practice will not share information about you and your health with other organisations unless they are involved in your care or you have agreed to the data sharing. However, there are some limited circumstances where we may share information with other organisations who are not directly involved in your care. For example:

- We may share information with the police, fire and rescue services if:
  - There is an immediate risk of harm to you or other people;
  - There is a legal requirement to do so e.g. where a road traffic offence has been committed or the police have obtained a court order requiring us to provide information.
- We may share information with bodies with public health responsibilities such as local councils and Public Health England to control infectious diseases such as meningitis, tuberculosis (TB) or measles and manage public health incidents;
- We may share information with regulators like NHS Digital, the Care Quality Commission, the General Medical Council, the Audit Commission and the Health Service Ombudsman) and other public sector bodies like NHS England and Clinical Commissioning Groups if there is a legal requirement for us to do so. For example we must notify the CQC of the death of a registered patient in some circumstances;
- We may share information with our professional advisors, including lawyers and

accountants, if this is necessary to take and receive professional advice (including legal advice), or to bring or defend a legal claim or threatened claim;

- We may share information with individuals or organisations specified in a court order. For example, we may be required by a court order to notify social workers, next of kin, parents of a birth or death;
- We may share information with our insurers and the insurers of other organisations (including NHS Resolution) where this is necessary to investigate insurance cover and to handle a claim or threatened claim;
- We may share information with debt collection agencies if the services you have been provided with are not funded by the NHS or the public sector;
- Where we, or substantially all of our assets, are merged or acquired by a third party, in which case this information may form part of the transferred or merged assets.

The Practice does not share/transfer data outside of the EU.

#### 4.7 When you ask us to share with a third party

If you ask us to share your data, often with an insurance company, solicitor, employer or similar third party, we will only do so with your explicit consent. Usually the requesting organisation will ask you to confirm your consent, often in writing or electronically. We check that consent before releasing any data and you can choose to see the information before we send it.

Please see the section on our Practice website for more details of how your personal data is shared electronically within the NHS locally & nationally and your choices about being included in these sharing agreements.

## 5. Summary Care Record

Your Summary Care Record (SCR) is created when you register at a GP Practice (although you should be given the option to opt in/out during your registration). If you do not express a preference, it is currently assumed that your consent is implied.

The SCR shares only the following with other healthcare professionals involved in your care:

- your contact details
- medications
- allergies

You can also choose to share a SCR with additional information. This includes:

- contact details
- medications
- allergies
- diagnosis lists
- care plans
- end of life care; and

- immunisations

Special category data is excluded from your SCR.

A SCR with additional information will only be created for you if you explicitly choose this option. All current and past information is shared for each category. Choosing to share a SCR with additional information is thought to be of great benefit if you are admitted to hospital locally or elsewhere in the UK.

You can opt out of sharing any of your information in a SCR; if you decide not to share this will not affect your entitlement to care. However, it could result in the delivery of your care being less efficient as other health professionals will not have access to these parts of your medical history. You can change your mind about your Summary Care Record at any time.

Further details are available on summary shared care at – <https://digital.nhs.uk/services/summary-care-records-scr/additional-information-in-scr#Resources>

To register or change your Summary Care Record preferences, please complete the SCR form available on the Practice website, or alternatively contact a member of our reception team.

## 6. Opting out of data sharing

If you only want your health and care information to be used for your own direct care, then you can request this. Making this choice won't affect the care you get in any way. Please tell us if you don't want health information that could identify you to be used for any other reason than for your own individual care. Staff at the Practice will make sure your request is recorded on your medical records. This is called an opt-out, and there are two different kinds:

### 6.1 Type 1 opt-out: medical records held by the Practice

You can stop information that could identify you from your GP medical records being used for any purpose other than your individual care by requesting that it isn't shared outside the Practice. This is called a type 1 opt-out. We may still share your information if there is a legal requirement for us to do so.

### 6.2 Type 2 opt-out: information held by NHS Digital

NHS Digital is an NHS organisation that collects information from across the health service. NHS Digital is developing a new system to support the national data opt-out which will give patients more control over how identifiable health and care information is used for reasons other than your individual care and treatment. The system will offer patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used for purposes beyond their direct care such as research and planning purposes.

You can request that the information NHS Digital collects and stores from across the health service is not shared with other organisations for any other reason than your individual health and care. This is called a type 2 opt-out, and applies to nearly all uses of confidential patient information, with a few exceptions.

From 25 May 2018, existing type 2 opt-outs will start to be converted into the new national data opt-out. You can find out more about opting out and the new national data opt-out on the NHS Digital website: <https://www.nhs.uk/your-nhs-data-matters/>.

You can also opt out of your data being collected by some of the national registries, which gather information about patients with a particular condition. If you would like to know more about this please contact us, or refer to the NHS Digital website: <https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information/your-information-choices/consenting-to-collections-or-withdrawing-your-consent>.

## 7. Objections, Concerns and Complaints

If you are happy for your data to be extracted and used for the purposes described in this notice then you do not need to do anything.

Should you have any queries or concerns about how your information is managed, your GDPR rights, need further information about this privacy notice, please contact the Practice Manager in the first instance.

If you do not think that the Practice has complied with your data protection rights or legislation you can appeal to the Information Commissioner's Office. You can do this by contacting <https://ico.org.uk/>

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: **0303 123 1113**