

## **Notice on data processing and confidentiality**

This notice sets out NHS Improvement's approach to the processing of personal data in relation to the Stage 1 Report by Nigel Pascoe QC and its position on the identification of individuals referred to within the report by third parties without authorisation.

### **Personal data**

Personal data in the report has been processed in accordance with NHS Improvement's Privacy Notice (<https://improvement.nhs.uk/privacy/>) and with the Joint Controller and Information Sharing Framework Agreement between NHS Improvement and NHS England (<https://www.england.nhs.uk/nhse-nhsi-privacy-notice/joint/joint-controller-agreement/>).

Personal data has been used for those purposes set out in our Privacy Notice and on the lawful bases stated therein, which include but are not limited to:

- To investigate and respond to a complaint
- To improve the leadership of NHS trust and foundation trust boards
- To monitor independent providers' compliance with the NHS Provider Licence

Further and in any event, personal data is being processed as part of this review process as it necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in NHS Improvement's constituent bodies and NHS Improvement has also determined that there are legitimate interests in processing this personal data.

In particular, NHS Improvement has determined that, given the importance of the issues at the heart of the review and the public interest in having an independent and robust investigation and report addressing these issues, there are legitimate interests in the processing of personal data and naming of some individuals in the report. NHS Improvement considers that this approach is also in line with the Terms of Reference for the review.

NHS Improvement has taken all reasonable steps to notify persons identified in the report.

### **Confidentiality**

NHS Improvement expressly does not authorise the identification of any individuals in the report (other than those named).

Any public identification by a third party of persons referred to in the report may constitute a criminal offence the Data Protection Act 2018 and NHS Improvement reserves its rights to take appropriate action in response to any such attempt.