

# Health Services Laboratories Detailed Privacy Notice

It is the policy of Health Services Laboratories 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, Health Services Laboratories is accredited to the international standard for Information Security Management Systems set out in ISO/ISE 27001.

Health Services Laboratories is part of 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, HSL 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 organisation 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 Health Services Laboratories collects from you, or that you provide to Health Services Laboratories, will be processed by Health Services Laboratories.

## Information that Health Services Laboratories 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),
- HSL Genetics Limited (company number 03959656), or
- HSL (Analytics) LLP (company number OC391046).

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

Whenever HSL 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 HSL 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. HSL 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 HSL about the patient, which tests HSL should carry out, who the results should be reported to, and the method for transmitting the test request and results. This means that HSL 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 HSL 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 HSL 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.

HSL 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 HSL uses data for those other purposes it acts as a data controller. The rest of this policy explains the situations in which HSL acts as a data controller and how it uses patient personal data in those situations.

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

This part of the policy explains how HSL 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 HSL comes from the requesting clinician or the Referrer. They send HSL personal data in addition to pathology samples (body fluids or tissues) and request tests be carried out upon those samples. In some cases HSL collects the data directly from the patient on behalf of the Referrer. This happens, for example, when a patient attends HSL's patient reception to provide a sample.

The information provided to HSL 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.

HSL uses this personal data to carry out HSL's obligations arising from any contracts entered into between the Referrer and HSL. 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.

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

- other parts of Health Services Laboratories 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;
- HSL's IT and finance service providers, but only to the minimum extent necessary for those providers to support the IT and finance systems that HSL 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 HSL that the patient has agreed to pay the invoice and only to the extent necessary to recover the money owed.

Referrers also typically instruct HSL 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 HSL 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 HSL processes personal data about patients and requesting clinicians as a data controller

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

### Purposes of processing

HSL 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> .
Public Health Studies	To contribute pathology test result data to public bodies, such as Public Health England, to be used for statistical or scientific purposes in projects that monitor or research public health. HSL does not contribute data to projects if the data would be used to make decisions about individual patients, or if individual patients would be identified in materials published as part of the project.
Legal Advice	To take legal advice in the event of a legal claim relating to pathology services HSL has provided.

### Categories of personal data

HSL 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 HSL, the types of pathology tests conducted, the test results and any clinical advice given by HSL'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, and the patient's NHS number.
- **Identity Data:** includes name, date of birth, and gender.
- **Contact Data:** includes address, email address, and telephone number.

HSL 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.

HSL obtains these categories of data from the clinician requesting the test, or the healthcare provider or health insurer referring the patient to HSL, or from the patient directly if the patient attends HSL's patient reception to provide a sample or if the patient sends the information with a sample directly to HSL 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	This processing <ul style="list-style-type: none"><li>is necessary for the legitimate interests of HSL (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 HSL'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>Public Health Studies</b>	Health Data	This processing <ul style="list-style-type: none"><li>is necessary for the legitimate interests of HSL (to contribute to public health studies conducted in the public interest) and those interests are not overridden by the interests of the data subject; and</li><li>is necessary for scientific research or statistical purposes carried out in the public interest, is subject to appropriate safeguards for the rights and freedoms of data subjects and is not carried out for the purposes of decisions about particular data subjects.</li></ul>
	Identity Data and Contact Data	This processing is necessary for the legitimate interests of HSL (to contribute to public health studies conducted in the public interest) 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 HSL (the establishment, exercise or defence of legal claims) and those interests are not overridden by the interests of the data subject.

## Recipients of the personal data

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

- other parts of Health Services Laboratories that act as data processors on behalf of HSL to carry out those purposes;
- HSL's IT service providers, but only to the minimum extent necessary for those providers to support the IT systems that HSL uses to process the data, and only under strict conditions of confidentiality; and
- in the case of data that HSL processes for Legal Advice, HSL provides access to the data to its professional legal advisors so that they can provide HSL with legal advice.

## Retention of the personal data

HSL retains the Health Data and Identity Data only for as long as necessary to achieve the purpose for which HSL 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.
Public Health Studies	Health Data, Identity Data, and Contact Data	HSL processes the data by disclosing it to the public body conducting the public health study at the intervals required for the study.
Legal Advice	Health Data, Identity Data, and Contact Data	HSL processes the data until the actual or threatened claim has been settled or determined by a court.

## Other information Health Services Laboratories processes for business purposes

This part of the policy explains the ways that Health Services Laboratories 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 Health Services Laboratories LLP. References to “HSL” in this part of the policy are to Health Services Laboratories LLP.

### Categories of personal data

HSL 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 HSL collects when a person use HSL’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 HSL website, pages viewed within the HSL website, search requests within the HSL 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 HSL in relation to receiving marketing and other communications from HSL.

### How HSL obtains the personal data

HSL obtains the personal data referred to in this part of the policy from:

- **Direct interactions:** Individuals may give HSL data by submitting forms or corresponding with HSL by post, phone, email or otherwise. This includes personal data individuals provide when they subscribe to HSL’s newsletters or publications, enter into contracts with HSL or with other members of Health Services Laboratories, register to use Health Services Laboratories’ sites, or place an order on Health Services Laboratories sites, report a problem with Health Services Laboratories sites, or participate in communications or discussions on other social media platforms.

- **Automated technologies or interactions:** As individuals interact with the HSL website, HSL may automatically collect Technical Data about them. HSL collects this personal data by using cookies, and other similar technologies. More information regarding Health Services Laboratories use of cookies can be found at <https://HSLpathology.com/cookie-policy>.
- **Third parties:** HSL 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 HSL uses personal data, and the legal bases that HSL relies on when doing so.

Purpose	Category	Lawful bases for processing
To manage HSL's relationship with an individual which will include: (a) Notifying the individual about changes to HSL'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 HSL's legitimate interests (to keep HSL's records updated and to study how customers use HSL's products/services).
To administer and protect Health Services Laboratories business and HSL'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 HSL's legitimate interests (for running HSL'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 HSL website, products and services, marketing, and customer relationships.	Technical Data	Necessary for HSL's legitimate interests (to keep HSL's website updated and relevant, to develop HSL's business and to inform HSL's marketing strategy)
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 HSL's legitimate interests (to take legal advice and to, to enforce legal rights, or to defend legal claims)

### Recipients of the personal data

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

- HSL 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 Health Services Laboratories does so, HSL may disclose personal data to the prospective seller or buyer of such business or assets.
- If HSL or a member of Health Services Laboratories or substantially all of its assets are acquired by a third party the personal data will be one of the transferred assets.
- If HSL or a member of Health Services Laboratories is under a duty to disclose or share personal data in order to comply with any legal obligation, HSL may disclose that personal data to the person entitled to receive disclosure.

- If HSL or a member of Health Services Laboratories needs to enforce legal rights or to defend legal claims or take legal advice, HSL may disclose personal data to its legal advisors.
- HSL may exchange information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

### **Retention of the personal data**

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

To determine the appropriate retention period for personal data, HSL 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 HSL processes the personal data and whether HSL 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 HSL's retention policy which you can request from HSL's Data Protection Officer using the contact details at the end of this policy.

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

This part of the policy contains information that applies to all personal data that members of Health Services Laboratories process as data controller. In this part of the policy "HSL" 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 HSL keeps the personal data secure**

HSL takes all reasonable steps to protect personal data. HSL 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, HSL 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 Health Services Laboratories, its employees and sub-contractors aware of the rules and procedures laid down by Health Services Laboratories from time to time in respect to the security of information and the importance of confidentiality. Officers of Health Services Laboratories, employees and sub-contractors have a duty to follow the rules laid down by Health Services Laboratories and to co-operate with Health Services Laboratories to ensure that this policy is effective. Health Services Laboratories 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 Health Services Laboratories;
- 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 Health Services Laboratories 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 HSL 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) HSL 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 HSL 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 HSL holds about the individual and to check that HSL is lawfully processing it.

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

**Request erasure** of personal data. This enables the individual to ask HSL to delete or remove personal data where there is no good reason for HSL continuing to process it. HSL also has the right to ask HSL to delete or remove the individual's personal data where the individual has successfully exercised the right to object to processing (see below), where HSL has processed the personal data unlawfully or where HSL 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 HSL 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 HSL to use or where HSL used the information to perform a contract with the individual.

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

Health Services Laboratories 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  
Health Services Laboratories  
1 Mabledon Place  
London  
WC1H 9AX

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