

## Details of information used for specific purposes

### Personal Health Budgets (PHBs)

<b>Data Controller(s)</b>	NENC ICB
<b>Purpose</b>	<p>A personal health budget is an amount of money to support someone's health and wellbeing needs, which is planned and agreed between the person, or their representative, and the local clinical commissioning group (ICB) or NHS team.</p> <p>The amount in someone's personal health budget is based upon their personalised care and support plan. This plan helps people to identify their health and wellbeing outcomes, together with their local NHS team, and sets out how the budget will be spent to enable them to reach their goals and keep them healthy and safe.</p>
<b>Type of information Used</b>	Identifiable: Personal (such as name, address, date of birth) and Special Category (health information)
<b>Legal basis</b>	<p>GDPR Article 6(1)(e) – processing is necessary for the performance of a task carried out in the exercise of official authority vested in the controller</p> <p>GDPR Article 9(2)(h) processing is necessary for the purposes of the provision of health or social care or treatment or the management of health or social care systems and services.</p> <p>Relevant legislation: National Health Service (Direct Payments) Regulations 2013</p>
<b>How we collect (the source) and use the information</b>	<p>A personal health budget is based upon a personalised care and support plan. This plan sets out someone's health and wellbeing needs, the outcomes they wish to achieve, the amount of money available and how it will be spent. Once the plan and budget has been agreed, the money in a personal health budget can be managed in three ways, or a combination of these:</p> <p><b>Notional budget:</b> No money changes hands. The personal health budget holder knows how much money is available for their assessed needs and decides together with the NHS team how to spend that money. The NHS is then responsible for holding the money and arranging the agreed care and support.</p> <p><b>Third party budget:</b> An organisation independent of both the person and the NHS commissioner (for example an independent user trust or a voluntary organisation) is responsible for and holds the money on the person's behalf. They then work in partnership with the person and their family to ensure the care they arrange and pay for with the budget meets the agreed outcomes in the care plan.</p> <p><b>Direct payment for healthcare:</b> The personal health budget holder or their representative has the money in a bank account and takes responsibility for purchasing the agreed care and support. Budget holders must show what the money has been spent on. Further guidance is included in the Direct Payments in Healthcare Guidance.</p>

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	<p>In most cases people will need a separate bank account to receive a personal health budget via a direct payment (there are some exceptions when the money can be paid directly into someone's existing account, for example if it is a one-off payment). The separate account must only be used for purchasing care, but it may also be used for receiving and managing a social care personal budget, if someone has an integrated personal budget.</p> <p>If someone wishes to have a personal health budget but doesn't want to manage it themselves or doesn't have the capacity to manage the budget themselves, it may be possible for someone else to manage the budget on their behalf. This might be a family member, a close friend or representative. Regardless of who is responsible for the budget, every effort must be made to ask the person about their wishes and to keep their best interests in mind.</p> <p>This process is carried out with the consent of the patient to satisfy the Common Law Duty of Confidentiality.</p>
<b>Data Processors</b>	The ICB does not use external data processors for this function.
<b>Your Rights</b>	<p>With regards to Personal Health Budgets under GDPR you have the right:</p> <ul style="list-style-type: none"> <li>To be informed about the processing of your information (this notice)</li> <li>Of access to the information held about you</li> <li>To have the information corrected in the event that it is inaccurate</li> <li>To restrict or stop processing</li> <li>To object to it being processed or used</li> <li>Not to be subject automated decision-taking or profiling</li> <li>To be notified of data breaches</li> </ul>
<b>How long we will keep the information</b>	<p>The ICB will keep this information for a period of 8 years for Adult PHB records and up to 25<sup>th</sup> or 26<sup>th</sup> birthday for Children PHB records. Where the PHB relate to mental health, the ICB will keep this information for a period of 20 years, or 10 years after death. The retention schedule is in line with the Records Management Code of Practice 2021.</p>
<b>Who we will share the information with (recipients)</b>	<p>The Local Authority (Social Services), health and care organisations involved in delivering or arranging the care required. The third party (for example an independent user trust or a voluntary organisation, or payroll/managed account provider) looking after your money where this has been arranged. If someone wishes to have a personal health budget but doesn't want to manage it themselves or doesn't have the capacity to manage the budget themselves, it may be possible for someone else to manage the budget on their behalf (e.g. family member, friend or representative, nominee).</p>