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# PRIVACY NOTICE (TIER 4)

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For the purpose of the General Data Protection Regulations (GDPR) the data controller is The Bariatric Consultancy Ltd of 7 Westmoreland House, Cumberland Park, Scrubs Lane, London, NW10 6RE.

## 1. Scope

All data subjects whose personal data is collected, in line with the requirements of the GDPR.

## 2. Responsibilities

- 2.1 The Data Protection Officer/GDPR Owner/Lead Service Manager is responsible for ensuring that this notice is made available to data subjects prior to The Bariatric Consultancy collecting/processing their personal data.
- 2.2 All Employees/Staff of The Bariatric Consultancy who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and their consent to the processing of their data is secured.

## 3. Privacy notice

### 3.1 Who are we?

The focus of the service is the treatment of severe and complex morbid obesity. The Consultancy was launched in 2007 by the two founding Directors Janet Biglari and Sevim Mustafa, both Psychotherapists with over 20 years' experience working with eating disorders and adult mental health.

Realising the complex psychological issues facing bariatric surgery patients and the need for rigorous preparation for surgical intervention, the Directors designed the first Tier 3 multi-disciplinary service model in 2008. This was subsequently commissioned by NHS Eastern Coastal Kent as a one-year pilot in 2009. Since 2009, the Consultancy have developed and delivered two large scale Tier 3 services; Why Weight for Coastal West Sussex and 4 healthy weight funded as a Kent wide service by Kent County Council. The services have continued to expand. To date, over 1200 patients have accessed Tier 3 treatment and the number of patients going onto access surgical services at Tier 4 has seen a significant reduction. The Bariatric Consultancy also works with a number of Tier 4 Surgical providers offering pre-surgical screening of bariatric surgery candidates and post-surgery support. The Bariatric Consultancy has a

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wealth of knowledge and experience in the field of obesity and offer a comprehensive training programme to other healthcare professionals. In 2014 TBC were awarded the contract to deliver the service across Crawley and Horsham and Mid Sussex CCGs. In 2017 the service was the recipient of the prestigious ASOS (Association for the Study of Obesity) Best Practice Award.

Our Data Protection Officer / GDPR Owner/Lead Service Manager and data protection representatives can be contacted directly here:

- Manjit.bungar@thebariatricconsultancy.com
- 01322 220294 - 01322 220299
- catherine.konzon@thebariatricconsultancy.com
- 01322 220294 - 01322 220299

The personal data we would like to collect and process from you is:

<b>Personal data type:</b>	<b>Source</b> (where The Bariatric Consultancy obtained the personal data from if it has not been collected directly from you, the data subject. Note if the personal data has been accessed from publicly accessible sources):
Name, address, telephone number(s), date of birth, health information(diagnosis/medication), weight/height/bmi, gender, nhs number, GP details, risk information, details of substance use and some background family details and history.	From Referrer Health records Mental Health records/teams
<p>We may also collect and process the following data about you:</p> <ul style="list-style-type: none"> <li>• Information that you provide by filling in forms on our site <a href="http://www.bariatricconsultancytier3.com/">http://www.bariatricconsultancytier3.com/</a> (our site). This includes information provided at the time of registering to use our site, subscribing to our service, posting material or requesting further services. We may also ask you for information when you enter a competition or promotion sponsored by The Bariatric Consultancy Ltd, and when you report a problem with our site.</li> </ul>	
<ul style="list-style-type: none"> <li>• If you contact us, we may keep a record</li> </ul>	

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of that correspondence	
<ul style="list-style-type: none"> <li>The Bariatric Consultancy Ltd may also ask you to complete surveys that we use for research purposes, although you do not have to respond to them.</li> </ul>	
<ul style="list-style-type: none"> <li>Details of your visits to our site including, but not limited to, traffic data, location data, weblogs and other communication data, whether this is required for our own billing purposes or otherwise and the resources that you access.</li> </ul>	
<p><b>IP ADDRESSES</b></p> <p>We may collect information about your computer, including where available your IP address, operating system and browser type, for system administration and to report aggregate information to our advertisers. This is statistical data about our users' browsing actions and patterns and does not identify any individual.</p>	
<p><b>COOKIES</b></p> <p>Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. For detailed information on the cookies we use and the purposes for which we use them see our <a href="#">Cookie policy</a></p>	

The personal data we collect will be used for the following purposes:

- To inform treatment and weight-loss programme
- To maintain accurate healthcare records
- To ensure safe and appropriate health support and information

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Our legal basis for processing for the personal data:

- Consent
- Contractual necessity
- Vital Interests (health)

Any legitimate interests pursued by us, or third parties we use, are as follows:

- Medical purposes
- Equal opportunities
- Employment law.

The special categories of personal data concerned are:

- Racial
- Ethnic origin
- Religion
- Health data
- Sexual orientation

## 3.2 Consent

By consenting to this privacy notice you are giving us permission to process your personal data specifically for the purposes identified.

Consent is required for The Bariatric Consultancy to process both types of personal data, but it must be explicitly given. Where we are asking you for sensitive personal data we will always tell you why and how the information will be used.

You may withdraw consent at any time by completing and submitting to the Lead Service Manager [GDPR REC 4.6A](#) – Data Subject Consent Withdrawal form.

Forms are available by request from the Lead Service Manager and/or the Data Protection Officer.

## 3.3 Disclosure

The Bariatric Consultancy will not pass on your personal data to third parties without first obtaining your consent unless there is an identified risk or harm to you or any other person in accordance with our Duty of Care.

We do not share information outside of the UK.

We may disclose your personal information to any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006.

We may disclose your personal information to third parties:

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- In the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- If The Bariatric Consultancy Ltd or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our [terms of use](#) and other agreements; or to protect the rights, property, or safety of The Bariatric Consultancy Ltd, our customers, or others. This may include exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

### 3.4 Retention period

The Bariatric Consultancy will process personal data for as long as you are in treatment with the service and will store the personal data for 8 years after treatment in accordance with the requirements of the British Medical Association. Refer to [GDPR DOC 2.3 Retention Period Procedure](#)].

### 3.5 Your rights as a data subject

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply to have a right to restrict the processing.
- Right of portability – you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling.
- Right to judicial review: in the event that The Bariatric Consultancy refuses your request under rights of access, we will provide you with a reason as to why. You have the right to complain as outlined in clause 3.6 below.

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All of the above requests will be forwarded on should there be a third party involved (as stated in 3.4 above) in the processing of your personal data.

### 3.6 Complaints

In the event that you wish to make a complaint about how your personal data is being processed by The Bariatric Consultancy (or third parties as described in 3.4 above), or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority and The Bariatric Consultancy's data protection representatives Data Protection Officer / GDPR Owner/Lead Service Manager.

The details for each of these contacts are:

Lead Service Manager: [Manjit.bungar@thebariatricconsultancy.com](mailto:Manjit.bungar@thebariatricconsultancy.com)

	<b>Supervisory authority contact details</b>	<b>[Data Protection Officer (DPO)] / [GDPR Owner] contact details</b>
Contact Name:	Information Commissioner's Office	Catherine Konzon
Address line 1:	8 Lincoln's Inn Fields,	Suite 1,
Address line 2:	London	Hawley Manor
Address line 3:	WC2A 3BP	Hawley Road
Address line 4:		Dartford
Address line 5:		Kent DA1 1PX
Email:		<a href="mailto:bariatricconsultancy@nhs.net">bariatricconsultancy@nhs.net</a> or <a href="mailto:Catherine.konzon@thebariatricconsultancy.com">mailto:Catherine.konzon@thebariatricconsultancy.com</a>

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Telephone:	01625 545700	01322 220294
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## 3.7 Privacy statement

Read more about how and why we use your data here

<http://bariatricconsultancytier3.com/privacy.html>

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