



L2S2 Ltd Privacy Notice: Processing of Hospital Episode Statistics (HES) Data

(L2S2 Ltd trades as Camgenium)

December 2025

Version 2.0.0

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Document version control

The Chief Executive Officer of L2S2 Ltd owns this document.

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1 Introduction

This privacy notice explains why we use your personal information provided to us under our contract with the NHS Data Access Request Service, what information we use, who we share it with, and your rights under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

2 Who We Are (Data Controller)

We are L2S2 Ltd (trading as Camgenium). We are the Data Controller for the personal data processed as described in this notice.

Our Contact Details: 2a Oakington Business Park, Cambridge CB24 3DQ, info@l2s2.com

Our Data Protection Officer (DPO): Dr Philip Gaffney OBE

DPO Contact Details: 2a Oakington Business Park, Cambridge CB24 3DQ, philip.gaffney@l2s2.com

(L2S2 Ltd does not have a telephone number.)

If you have any questions about how we process personal data or would like to exercise your data subject rights, please email us at info@l2s2.com

3 Why We Collect and Use HES Data (Purposes)

We access and process HES data via the NHS Data Access Request Service (DARS) for the following purpose(s):

L2S2 is responsible for developing and marketing clinical informatics tools that are used to improve patient safety. These include:

- Observatory, a clinical audit tool that provides risk-adjusted analysis of clinical performance (quality and outcomes) in secondary care to enable sources of harm to patients to be identified and addressed, with analyses being undertaken at the consultant level. Reports are provided to NHS and private care providers and to the CQC; and
- RiskTriage, a tool that is used to inform the ordering of surgical waiting lists by identifying the risk of complications during surgery or while waiting for surgery for patients on the waiting list.

We also use the HES data to undertake in-depth analyses of clinical performance for NHS and private care providers, as well as for the CQC.

We use the data solely for the approved purposes outlined in our Data Sharing Agreement (DSA) with NHS England.

4 The Information We Use

We process confidential patient information contained within the HES datasets. This includes:

Demographic information: age, gender, ethnicity, postcode (coded), and index of multiple deprivation. Please note that we do not process patient-identifiable data.

Health and care information: clinical data, diagnoses (ICD-10 codes), operations/procedures (OPCS codes), treatment details, hospital activity data (admissions, discharges, lengths of stay).

Consultant GMC codes

This data is provided to us by NHS England (formerly NHS Digital) in a pseudonymised or de-identified format, meaning that direct identifiers have either been removed or removed and replaced with a unique code, except where a valid legal reason and strict controls permit otherwise.

5 Our Legal Basis for Processing

Under UK GDPR (as amended by the Data (Use and Access) Act 2025) (DUAA 2025), we must have a lawful basis to process personal data. As health data constitutes special category data, we must also satisfy an additional condition under Article 9. We process HES data under the following legal framework:

UK GDPR Article 6 – Lawful Basis

- **Article 6(1)(f) – Legitimate Interests:** Processing is necessary for the purposes of legitimate interests pursued by L2S2 Ltd in developing clinical informatics tools that improve patient safety and healthcare quality. We have conducted a Legitimate Interests Assessment which confirms that our processing does not override the interests, rights, or freedoms of data subjects, particularly given that the data is pseudonymised and processed with appropriate safeguards under our Data Sharing Agreement with NHS England.

UK GDPR Article 9 – Special Category Data Condition

- **Article 9(2)(j) – Archiving, Research and Statistics:** Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in accordance with Article 89(1), based on domestic law which is proportionate to the aim pursued, respects the essence of the right to data protection, and provides for suitable and specific measures to safeguard the fundamental rights and interests of the data subject.

As clarified by the **Data (Use and Access) Act 2025**, our processing constitutes scientific research that can reasonably be described as scientific and is conducted in the public interest. The DUAA 2025 confirms that scientific research includes commercial research where it serves the public interest, which our clinical informatics tools demonstrably do by improving patient safety, supporting clinical audit, and enabling healthcare quality improvement across the NHS.

Our clinical informatics tools use HES data for statistical analysis of clinical performance and research purposes that benefit public health. In accordance with the statutory definition of processing for statistical purposes under Article 4 of the UK GDPR (as amended by DUAA 2025), our outputs are aggregated statistical analyses that do not identify individuals and are not used to make decisions about specific data subjects.

Data Protection Act 2018 – Domestic Law Condition

- **Schedule 1, Part 1, Paragraph 4 – Research etc.:** This condition is met as our processing is necessary for archiving, research, or statistical purposes and is carried out in accordance with Article 89(1) of the UK GDPR (as supplemented by section 19 of the DPA 2018). Our processing is in the public interest and does not support measures or decisions with respect to particular individuals.

L2S2 Ltd maintains an Appropriate Policy Document as required by Schedule 1 of the DPA 2018, which sets out our procedures for ensuring compliance with the data protection principles and our retention and erasure policies for special category data.

Domestic Law – Dissemination of HES Data by NHS England

NHS England's authority to disseminate HES data to L2S2 Ltd derives from the Health and Social Care Act 2012 (as amended by the Health and Care Act 2022 and the Data (Use and Access) Act 2025):

- **Section 261(1):** NHS England may disseminate information which it obtains by complying with a direction under section 254 (Secretary of State Directions) and which falls within subsection (2).

- **Section 261(2)(b)(ii):** Information falls within this subsection where it identifies a relevant person and NHS England, after taking into account the public interest as well as the interests of the relevant person, considers that it is appropriate for the information to be disseminated.
- **Section 261(1A):** NHS England may only disseminate information if it considers that dissemination would be for purposes connected with the provision of health care or adult social care, or the promotion of health (inserted by Care Act 2014, section 122(3)).

HES data is collected under Secretary of State Directions issued under Section 254 of the Health and Social Care Act 2012 and disseminated to L2S2 Ltd through the NHS England Data Access Request Service (DARS) under a formal Data Sharing Agreement.

L2S2 Ltd complies with applicable **NHS England Information Standards** published under section 250 of the Health and Social Care Act 2012 (as amended by the Health and Care Act 2022 and the Data (Use and Access) Act 2025). These standards ensure that our information systems meet the requirements for safe and effective data processing within the health and social care sector.

Common Law Duty of Confidentiality

The common law duty of confidentiality is addressed through our Data Sharing Agreement with NHS England, which imposes strict confidentiality obligations and sets out the approved purposes and safeguards for processing. Data is provided to us in pseudonymised form, meaning direct identifiers have been removed or replaced with a unique code that L2S2 Ltd cannot use to re-identify individuals.

Where processing involves flows of identifiable data without consent (for example, where NHS Number is used for data linkage before pseudonymisation), **Section 251 of the NHS Act 2006** and the **Health Service (Control of Patient Information) Regulations 2002** provide the legal basis for setting aside the common law duty of confidentiality for approved secondary uses of confidential patient information. The application of Section 251 support, where required, is managed by NHS England as the data controller for HES.

Safeguards (Article 89(1) UK GDPR)

We implement appropriate technical and organisational measures to safeguard processing as required by Article 89(1) of the UK GDPR, including:

- ISO 27001 certified Information Security Management System
- NHS Data Security and Protection Toolkit compliance
- Data minimisation – processing only data necessary for approved purposes
- Pseudonymisation – data received does not contain direct identifiers
- Role-based access controls limiting data access to authorised personnel
- Secure data handling procedures as specified in our Data Sharing Agreement
- Small number suppression in outputs in accordance with HES Analysis Guide

Important Note – Section 19 DPA 2018 Restriction

In accordance with Section 19(3) of the Data Protection Act 2018, processing under Article 9(2)(j) cannot be carried out for the purposes of measures or decisions with respect to particular individuals. Our outputs are therefore aggregated statistical analyses and risk-adjusted performance reports; they do not constitute individual-level decisions about identified patients.

Legislative References

This privacy notice reflects the legal framework as time of issue, incorporating:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Data (Use and Access) Act 2025

- Health and Social Care Act 2012 (as amended)
- Health and Care Act 2022
- Care Act 2014
- NHS Act 2006
- Health Service (Control of Patient Information) Regulations 2002

6 Who We Share Your Information With

We do not share the raw HES data we receive with any other third parties, unless required by law or specified in our Data Sharing Agreement with NHS England. The final outputs (e.g., statistical reports, research findings) will be published in a way that protects confidentiality and adheres to disclosure control rules.

7 Transfer of Personal Data to Third Countries or International Organisations

We do not transfer personal data outside of the jurisdiction in which it is obtained.

8 Rights available to individuals in respect of the processing

As a data subject, you have certain rights under UK GDPR. However, as the data we hold is pseudonymised and we cannot identify specific individuals, some rights (including access, rectification, and erasure) cannot be exercised in practice.

If you wish to exercise any of these rights, please email info@l2s2.com or use the information supplied in the Contact us section below.

8.1 The right to be informed

As a data controller, we are obliged to provide clear and transparent information about our data processing activities. This is provided by this privacy policy and any related communications we may send you.

8.2 The right of access

You may request a copy of the personal data we hold about you free of charge. Once we have verified your identity and, if relevant, the authority of any third-party requestor, we will provide access to the personal data we hold about you as well as the following information:

- a) The purposes of the processing
- b) The categories of personal data concerned
- c) The recipients to whom the personal data has been disclosed
- d) The retention period or envisioned retention period for that personal data
- e) When personal data has been collected from a third party, the source of the personal data

If there are exceptional circumstances that mean we can refuse to provide the information, we will explain them. If requests are frivolous or vexatious, we reserve the right to refuse them. If answering requests is likely to require additional time or occasion an unreasonable expense (which you may have to meet), we will inform you.

8.3 The right to rectification

When you believe we hold inaccurate or incomplete personal information about you, you may exercise your right to correct or complete this data. This may be used with the right to restrict processing to make sure that incorrect/incomplete information is not processed until it is corrected

8.4 The right to erasure (the ‘right to be forgotten’)

Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data. This includes personal data that may have been unlawfully processed. We will take all reasonable steps to ensure erasure.

8.5 The right to restrict processing

You may ask us to stop processing your personal data. We will still hold the data, but will not process it any further. This right is an alternative to the right to erasure. If one of the following conditions applies, you may exercise the right to restrict processing:

- a) The accuracy of the personal data is contested.
- b) Processing of the personal data is unlawful.
- c) We no longer need the personal data for processing, but the personal data is required for part of a legal process.
- d) The right to object has been exercised and processing is restricted pending a decision on the status of the processing.

8.6 The right to data portability

You may request your set of personal data be transferred to another controller or processor, provided in a commonly used and machine-readable format. This right is only available if the original processing was based on consent, if the processing is automated, and if the processing is based on the fulfilment of a contractual obligation.

8.7 The right to object

You have the right to object to our processing of your data where

- Processing is based on legitimate interest;
- Processing is for the purpose of direct marketing;
- Processing is for the purposes of scientific or historic research; or
- Processing involves automated decision-making and profiling.

9 The right to withdraw consent

Our processing of HES data is not based on your consent. We process data under Article 6(1)(f) (Legitimate Interests) and Article 9(2)(j) (Research and Statistics) of the UK GDPR.

The data we receive is pseudonymised, meaning direct identifiers such as your name and address have been removed. We cannot identify you from the data we hold and therefore cannot trace, retrieve, or delete information relating to a specific individual.

If you wish to understand more about how NHS data is used or to register a National Data Opt-Out, visit www.nhs.uk/your-nhs-data-matters.

10 Right to complain to a supervisory authority

Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated confidentially and acknowledged within 30 days.

Should you feel unsatisfied with our handling of your data, or about any complaint that you have made to us about our handling of your data, you are entitled to escalate your complaint to the UK supervisory authority, the ICO (Information Commissioner's Office). Its contact information can be found at <https://ico.org.uk/global/contact-us/>.

11 How Long We Keep Your Information

We will retain your information until 31 December 2028 as specified in our Data Sharing Agreement and our internal data retention policy. Data is securely destroyed when no longer necessary for our approved purposes.

12 Your Rights Over Your Information

Under UK GDPR, you have rights including: to be informed (which this notice fulfils), to access, rectification, erasure, restriction of processing, and to object.

However, as explained in Section 9, the data we hold is pseudonymised, and we cannot identify specific individuals. This means rights such as access, rectification, and erasure cannot be exercised in practice.

If you have any questions about your rights, please get in touch with our Data Protection Officer using the details in Section 2.

13 How to Make a Complaint

If you have any concerns about how your information is used, please get in touch with our DPO in the first instance. You also have the right to complain to the Information Commissioner's Office (ICO), the UK's independent authority for data protection:

ICO Website: <https://ico.org.uk/>

ICO Helpline: 0303 123 1113