

Circle Reading NHS Patient Privacy Notice

1. Introduction

This notice is designed to inform you of the type of information that we, Circle Reading Limited, collect and hold about you, what we do with it, how we will look after it and who we might share it with. It covers information we collect directly from you or receive from other individuals or organisations.

This Privacy Notice also sets out your rights in respect of your personal information, and how to exercise them. You can, for instance, seek access to your medical information, object to us using your information in particular ways and request rectification of any information which is inaccurate or deletion of information which is no longer required (subject to certain exceptions).

This Privacy Notice does not provide exhaustive detail. However, we are happy to provide any additional information or explanation needed. If you would like further information about any of the matters in this Privacy Notice or have any other questions about how we collect, store or use your personal information, please contact the DPO using the details in Section 3 below.

If you would like this notice in another format, such as large print or another language, please contact Circle's DPO.

2. Who we are and what we do

In this Privacy Notice we use "we" or "us" or "our" or "Circle" to refer to the Circle group of companies and the clinicians who provide your treatment.

Circle Reading] is a part of an independent hospital group providing private and NHS services. Circle Reading Hospital is an independent sector hospital run by Circle. Clinical Commissioning Groups (CCGs) have contracted Circle for the delivery of a number of health services. Within the hospital we also treat privately funded patients. This Privacy Notice relates to NHS patients only. A separate privacy notice is available for private patients.

Circle is a Data Controller and a Data Processor under the terms of the EU General Data Protection Regulation (GDPR). We are legally responsible for ensuring that all personal information that we process about you is done in compliance with data protection laws. All Data Controllers must notify the Information Commissioner's Office of all personal information processing activities. Our registration number is Reading Z3251024 and our entry can be found in the Data Protection Register on the [Information Commissioner's Office website](#).

3. How to contact us

Circle has appointed a data protection officer ("DPO"). The DPO helps ensure that Circle complies with data protection law and acts as a contact point for all patients. You can contact our DPO by:

- Telephone: 0207 034 5250
- E-mail: dpo@circlehealth.co.uk
- Post: Data Protection Officer, 32 Welbeck Street, London, W1G 8EU.

4. Clinicians

As a patient of Circle, your treatment may be provided by a clinician who is a medical practitioner. For ease of reference, we refer to them simply as 'clinicians' throughout this Privacy Notice. Those clinicians make their own decisions about what information is collected about you, and may maintain their own set of medical records in relation to the treatment that they provide. They are a Data Controller in respect of your personal information which they hold within those records, meaning that they must comply with the data protection legislation and relevant guidance when handling your personal information. Clinicians who work with Circle (including their medical secretaries) are expected to handle your personal data in accordance with the principles set out within this Privacy Notice. This means that whenever they use your personal data, they will only do so as set out in this Privacy Notice. Clinicians who work with Circle (including their medical secretaries) may process your personal information at a non-Circle site (medical or non-medical). If you want to find out more about the arrangements between Circle and clinicians for handling your information please let us know by contacting our DPO.

5. Personal Information we hold about you

When we refer to personal data in this policy, we mean information that can or has the potential to identify you as an individual. When we refer to 'processing' your personal information, this covers any use of your personal information, including but not limited to accessing, storing and disseminating information. We may use "special categories of personal information" about you, such as information relating to your physical and mental health.

As a patient of Circle, the **personal information** we hold about you may include the following:

- Name
- Contact details, such as postal address, email address and telephone numbers
- Financial information, such as credit card details used to pay us
- Occupation
- NHS Number
- Family details including next of kin
- GP and referral details
- Visual images, for example CCTV images as part of building security
- Responses to surveys or questionnaires
- Correspondence relating to a complaint or claim
- Your specific information requirements

We will also hold information relating to your medical treatment which is known as a special category of personal data under the law, meaning that it must be handled even more sensitively. The **special categories of personal information** we hold about you may include the following:

- Details of your current or former physical or mental health. This may include information about any healthcare you have received (both from Circle directly and other healthcare providers such as GPs or hospitals (private and/or NHS)) and details of medicines previously and currently taken.
- Details of services you have received from us
- Details of your lifestyle and social circumstances
- Details of your nationality, race and/or ethnicity
- Details of your religion

- Details of any genetic data or biometric data relating to you
- Data concerning your sex life and/or sexual orientation.

6. How do we collect your information?

There are a number of ways in which we may collect your personal data. Information may be collected directly from you when:

- You use Circle for the provision of healthcare services
- You use those services
- You correspond with us by letter, email, telephone or social media
- You complete enquiry forms on the Circle website
- You opt to have your care delivered by us through the NHS 'Choose and Book' system
- You are referred to us by another NHS provider.

In order to provide you with the best treatment possible, we may need to collect your medical records including information about your diagnosis, clinic and hospital visits and medicines administered. This information is provided by other individuals and organisations, including:

- GPs
- Other hospitals, both NHS and private
- Commissioners of healthcare services
- Clinicians (including their medical secretaries).

We may also collect information about you from these third parties, as relevant to your treatment:

- Your insurance policy provider
- Your current or former employer
- Your family
- External medical experts
- NHS health service bodies
- Credit reference agencies
- Debt collection agencies
- Government agencies, including the Ministry of Defence, the Home Office and HMRC.

7. Protecting your privacy

We are committed to protecting your privacy and will only process personal information in accordance with the EU General Data Protection Regulation, the Human Rights Act 1998 and the common law duty of confidentiality.

All information that we hold about you will be held securely and confidentially. We use administrative and technical controls to do this. All Circle staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. We will only use the minimum amount of information necessary about you. Where possible Circle will use information that does not directly identify you, but when it becomes necessary for us to know or use personal information about you, we will only do this when we have an appropriate legal justification for doing so.

Multiple staff will have access to your clinical record. For example, our administrative staff access the record to process and file information from the letters the clinician writes, they also follow up medical queries with teams. All staff have to sign a confidentiality agreement and are bound by their contract of employment which does not allow them to disclose any information about your health care to anyone outside the organisation unless it is with another clinical team for the purpose of your health care.

In addition, everyone working for the NHS has a legal duty to keep information about you confidential. [The NHS Care Record Guarantee](#) provides a commitment that all NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.

We will not divulge your record to any other patients or family members (except in the case of children under 13) unless you give us permission to do so. Some patients prefer for a family member or friend to act on their behalf. If you wish for someone else to act on your behalf please let us know and we will make arrangements with you for this to take place. You can withdraw this consent at any time but you must let us know if you no longer wish for us to discuss your health with the nominated person.

We have chosen to undertake ISO 27001 certification programme whereby we are externally reviewed on an annual basis to ensure that our handling of information is done so safely and in line with best practice and legislation.

8. How will we communicate with you?

We need to communicate in order to provide you with healthcare services. We may contact you by telephone, SMS, email, and / or post.

To ensure that we provide you with timely updates and reminders in relation to your healthcare, we may communicate with you by telephone, SMS and/or email (where you have provided us with your telephone number and /or email address).

To provide you with your medical information (including test results and other clinical updates) and/or invoicing information, we may communicate with you by email where you have provided us with your email address.

Please note that although providing your mobile number and email address and stating a preference to be communicated by a particular method will be taken as an affirmative confirmation that you are happy for us to contact you in that manner, we are not relying on your consent to process your personal data in order to correspond with you about your treatment. As set out in Schedule 1 below, processing your personal data for those purposes is justified on the basis that it is necessary to provide you with healthcare services.

9. Surveys

If we have your mobile number or your email address we may use this method of communication to contact you regarding patient surveys which are for the purpose of improving our service and monitoring patient outcomes. We will only contact you regarding patient surveys if you have provided your consent on the patient registration form. You may decide not to complete the surveys and you will have the option to unsubscribe from receiving further survey invitations.

10. Marketing

Circle engages in marketing but we are conscious of your rights and expectations when we carry out our marketing activities. We will only provide you with information about products or services which may be of interest to you and only where you have specifically confirmed your consent to do so.

If you no longer wish to receive marketing emails sent by us, you can click on the "unsubscribe" link that appears in all of our emails, otherwise you can always contact us using the details set out in section 3 to update your contact preferences.

11. Who do we share your information with?

There are certain situations where we will share data about relevant aspects of your healthcare record within our group or with third parties.

We may share your personal information with other companies in the Circle group in order to deliver a healthcare service to you. We may disclose your information to the third parties listed below for the purposes described in this Schedule 1 of this Privacy Notice. This might include:

- A doctor, nurse or any other healthcare professional involved in your treatment
- Other members of Circle's staff involved in the delivery of your care, like receptionists and porters
- Emergency contacts, for example your next of kin or carer
- NHS organisations
- Other private sector healthcare providers
- Your GP
- Your clinician (including their medical secretaries)
- Third parties who assist in the administration of your healthcare, such as insurance companies
- The Private Healthcare Information Network (See Schedule 1 for more details on this)
- National and other professional research and audit programmes, as detailed in Schedule 1
- Government bodies, including the Ministry of Defence, the Home Office and HMRC
- Our regulators, like the Care Quality Commission
- The police and other third parties where reasonably necessary for the prevention or detection of crime
- Our insurers
- Debt collection agencies
- Credit referencing agencies
- Our third party services providers such as IT suppliers
- Selected third parties in connection with any sale, transfer or disposal of our business
- Anyone else that you ask us to communicate with.

We may communicate with these third parties in a variety of ways including, but not limited to, email, post, fax and telephone.

In order to help us run an efficient and cost effective business, we engage third party companies to help us manage certain parts of our business functions. We will share your information with these companies under the strictest data protection arrangements. If you would like further information regarding these third party companies, please contact our DPO.

We will not otherwise share, sell or distribute any of your personal information to any third party without your consent, unless required by law. Data collected will not be sent to countries where the laws do not protect your privacy to the same extent as the law in the UK, unless rigorous checks on the security and confidentiality of that data are carried out in line with the requirements of the EU General Data Protection Act.

You may want us to share health information held about you with others for purposes other than your care. This could include with insurance companies, medical report for a mortgage, life insurance, for immigration purposes, with a solicitor representing you in a personal injury claim. In such cases this will only be done with your signed and explicit consent. We will only share the minimum agreed information.

12. Sharing non personal data for secondary/ non direct care purposes

Circle will not share personal identifiable data and or other confidential data about patients to support the planning of NHS and social care services, without seeking explicit patient consent to do this.

We may share data about patients in a non-personal format (either anonymised* or pseudonymised**) in order to support the planning of NHS and social care services. This data will only be used for health or social planning purposes and not for any other purposes (such as commercial, insurance or marketing purposes). Sharing of such data will be managed in accordance to a formal sharing arrangement and under tight Information Governance controls’.

*Anonymisation: is the process of rendering data into a form which does not identify individuals or makes the risk of re-identification sufficiently low in a particular context that does not constitute personal data.

**Pseudonymisation: Pseudonymised data are data in which individuals are disguised by using a unique identifier that does not reveal their ‘real world’ identity. Provided the organisation holding the pseudonymised data does not have access to the key to re-identify the subjects, such data are effectively anonymous and does not constitute personal data.

Occasionally, when the CCGs are commissioning new services or working out how effectively we deliver healthcare to you we use your data to answer questions such as:

- How many patients with chronic back pain seen in the Treatment Centre could have received care closer to home, in a community setting?
- Which clinical pathways might we establish in the community to better prevent hospital attendances?

You can request that we stop your data being used in such analyses. If you do this we will not pass any of your information onto the analysing partner.

13. Sharing your data for non-direct care nationally

Data about your health can be extracted by NHS Digital. NHS Digital receives monthly streams from each hospital about admissions, outpatient attendances and A&E visits, from community services and from mental health care services. They can also receive a flow from the GP data servers.

The main users of this data are in fact the Clinical Commissioning Groups (CCG), who commission health care services on your behalf and who monitor the effectiveness of all parts of the healthcare

system locally. The CCGs receive your NHS Number, but not your name, date of birth or address, and then encode that. However they can use the code (pseudonym) to link your records together to understand your healthcare journey.

This data may be used for various purposes such as research. Organisations wishing to access this data must go through a formal process and will not receive personal identifiers such as your name, address or date of birth.

You can object to your data being used in such analyses and we will record it in our information system using specific codes so that NHS Digital can in theory react to this.

If you object to your clinical data being shared out by NHS Digital then please tell us and we will record this.

14. International data transfers

We (or third parties acting on our behalf) may store or process information that we collect about you in countries outside the European Economic Area ("EEA"). Under the EU General Data Protection Regulation (GDPR), companies transferring information outside of the EEA must ensure that such transfers are subject to appropriate safeguards to ensure an adequate level of data protection. Where we make a transfer of your personal information outside of the EEA we will take the required steps to ensure that your personal information is protected.

Circle may transfer your personal data outside of the EEA to third parties providing medical administration services. In order to rapidly process your correspondence we work alongside a company called Prescribe, who provide medical administration services that enable non-urgent clinic dictations and correspondence to be typed efficiently but under strict guidance. The process used meets the Caldicott Principle 2016 (<https://www.igt.hscic.gov.uk/Caldicott2Principles.aspx>) and uses information that Prescribe cannot use to identify you specifically from (your date of birth and local hospital identifier (not NHS number)). The server that houses the dictations is based in the United Kingdom and medical administration staff based in the Philippines access the dictations remotely. We have undertaken a privacy impact assessment to ensure this process is safe and meets the requirements under the relevant laws.

If you would like further information regarding the steps we take to safeguard your personal information, please contact the DPO using the details set out at Section 3.

15. How long do we keep personal information for?

We will only keep your personal information for as long as reasonably necessary to comply with our legal and regulatory obligations. If you would like further information regarding the periods for which your personal information will be stored, please contact our DPO for further details.

16. What are the purposes for which your information is used?

We may 'process' your information for a number of different purposes. The law requires us to have a legal justification for processing your data. The particular justification will depend on the purpose of the proposed use of your data. When the information that we process is classed as "special category of personal information", we must have a specific additional legal justification in order to process your data.

We will rely on the following legal justifications for processing personal data:

- For the purposes of providing you with healthcare and other related services pursuant to our agreement with the relevant Clinical Commissioning Group
- We have an appropriate business need to process your personal information and such business need does not cause harm to you. Under the law this is called a 'legitimate interest'.
- We have a legal or regulatory obligation to use such personal information.
- We need to use such personal information to establish, exercise or defend our legal rights.
- We have an obligation to use your personal information in the interests of public health.
- You have provided your consent to our use of your personal information.

You will find details of our legal justifications for each of our processing activities in Schedule 1 of this Privacy Notice.

17. Your Rights

Under data protection law you have certain rights in relation to the personal information that we hold about you. These include rights to know what information we hold about you and how it is used. You may exercise these rights at any time by contacting Circle's DPO.

There will not usually be a charge for handling a request to exercise your rights. If we cannot comply with your request to exercise your rights we will usually tell you why. There are some special rules about how these rights apply to health information as set out in the relevant legislation.

If you make a large number of requests or it is clear that it is not reasonable for us to comply with a request then we do not have to respond or we can charge you for responding.

Your rights include:

- *The right to access your personal information*
You are entitled to a copy of the personal information we hold about you and details about how we use it. Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you.
- *The right to restriction of processing*
In some circumstances, you can ask us to suspend the use of your personal data. Sometimes we won't be able to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims.
- *The right to data portability*
You can ask us to transfer your personal information to you or to another individual or organisation. The information must be transferred in an electronic format.
- *The right to object to processing*
You can ask us to stop processing your information where we are relying on legitimate interests as the legal ground for processing (when we refer to 'legitimate interests', this

means that we have an appropriate business need to process your personal information and this business need does not cause harm to you).

- *The right not to be subject to automatic decisions*
You have a right to not be subject decisions that are made about you by computer alone. Circle does not carry out any automated decision-making in relation to your treatment.
- *The right to withdraw consent*
In some cases we need your consent in order for our use of your personal information to comply with data protection legislation. Schedule 1 sets out instances where we will rely on your consent for the purpose of processing your personal information. You have the right to withdraw your consent at any time. You can do this by contacting Circle's DPO whose details can be found in Section 3 above.
- *The right to complain to the Information Commissioner's Office*
You can complain to the Information Commissioner's Office if you are unhappy with the way that we have managed any of your rights above, or if you think we have not complied with our legal obligations. More information can be found on the Information Commissioner's Office website: <https://ico.org.uk/>. Making a complaint will not affect any other legal rights or remedies that you have.

18. National Data Opt-Out Programme

NHS Digital is developing a new system called the national data opt-out which will give patients more control over how confidential patient information is used. The system will offer patients and the public the opportunity to make an informed choice about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes. Patients and the public will be able to use the system from 25 May 2018. All health and care organisations will be required to uphold patient and public choices by March 2020. To find out more about the wider use of confidential personal information and to register your choice to opt-out if you do not want your data to be used in this way, visit www.nhs.uk/my-data-choice. If you do choose to opt out you can still consent to your data being used for specific purposes.

19. Updates to this Privacy Notice

We may update this Privacy Notice from time to time to ensure that it remains accurate. If these changes result in any material difference to the manner in which we process your personal data then we will provide you with an updated copy of the Policy. This Privacy Notice was last updated on 24 May 2018.

20. Complaints or questions

Circle aims meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures. You can contact Circle's DPO with any complaints or questions.

SCHEDULE 1
ABOUT THE INFORMATION WE COLLECT AND HOLD

In the table below we have set out the individual purposes for which we will process your personal information and the legal justification for doing so. In most instances, we are also required to identify an additional legal justification where we are processing special categories of personal information (eg. medical information). Beside each legal justification, we have cited the relevant article of the EU General Data Protection Regulations (GDPR).

Purpose for processing personal information	Description	Legal justification for processing personal information	Additional legal justification for processing special categories of personal information
To perform screening and regulatory checks on individuals before they become Circle patients.	We perform background checks in order to ensure that you are eligible to become a Circle patient.	Processing is necessary for compliance with a legal obligation to which we are subject (Article 6(c)).	Processing is necessary for reasons of substantial public interest (Article 9 (2)(g)).
To provide you with healthcare services.	Circle is a healthcare provider and we need your personal information in order to deliver that service.	Processing is necessary for the performance of a task carried out in the public interest (healthcare) (Article 6(d)).	Processing is necessary for the purposes of medical diagnosis or the provision of healthcare (Article 9 (2)(h)).
To provide you with timely updates and reminders about your healthcare.	We need to be able to get in touch with you about your healthcare arrangements, for example, notifying you of upcoming appointments. We may contact you via telephone, email and/or SMS.	Processing is necessary for the performance of a task carried out in the public interest (healthcare) (Article 6(d)).	Processing is necessary for the purposes of medical diagnosis or the provision of healthcare (Article 9 (2)(h)).

<p>Using your photograph to allow your consultant to identify you in the waiting area.</p>	<p>Our consultants will receive your photograph prior to your appointment to allow them to identify and approach you discretely in the waiting area.</p> <p>We will only take your photograph and process it with your explicit consent.</p>	<p>We will only use your photograph if you have provided your consent for us to do so (Article 6(a)).</p>	<p>We will only use your photograph if you have provided your consent for us to do so (Article 9(2)(a)).</p>
<p>To carry out local clinical audits.</p>	<p>Circle may process your personal data as part of local clinical audits. These audits assess outcomes for patients and are used to identify improvements we can make to patient care. This has an indirect benefit to the population as a whole.</p> <p>You can object to us using your personal data for this purpose at any time. If you would like to raise an objection please contact our Data Protection Officer using the details provided in Section 3.</p>	<p>We have a business need, or 'legitimate interest' to process your personal information and such business need does not cause harm to you (Article 6(f)).</p>	<p>Processing is necessary for statistical and scientific purposes in the public interest (Article 9 (2)(j)).</p>
<p>For national clinical audits.</p>	<p>We regularly share information</p>	<p>We have a business need, or</p>	<p>Processing is necessary for</p>

	<p>with the National Clinical Audit programme and other quality improvement programmes. A list of these programmes can be found at http://www.hqip.org.uk/a-z-of-nca/</p> <p>When a programme has received statutory approval, we will not require your consent for inclusion. If a programme has not received statutory approval, you will be asked to consent before your information is processed.</p> <p>You can object to us using your personal data for this purpose at any time. If you would like to raise an objection please contact our Data Protection Officer using the details provided in Section 3.</p>	<p>'legitimate interest' to process your personal information and such business need does not cause harm to you (Article 6(f)).</p>	<p>statistical and scientific purposes in the public interest (Article 9 (2)(j)).</p>
<p>For medical research.</p>	<p>Circle participates in medical research programmes and shares patient data with ethically approved third party organisations.</p> <p>Some research programmes have received statutory approvals such that consent may not be required to process patient information. When consent is required, then</p>	<p>We have a business need, or 'legitimate interest' to contribute to medical research and such business need does not cause harm to you (Article 6(f)).</p>	<p>Processing is necessary for statistical and scientific purposes in the public interest (Article 9 (2)(j)).</p>

	either the research organisation or we will contact you before we process your information in this way.		
Resolving patient queries or complaints.	Occasionally patients may make enquiries or complaints to Circle. In order to investigate and resolve these matters properly, we need to access your personal information.	We have a business need, or 'legitimate interest' to process your personal information and such business need does not cause harm to you (Article 6(f)).	The processing is necessary in order for us to establish, exercise or defend our legal rights (Article 9(2)(f)).
Communicating with other healthcare professionals about your treatment.	Other healthcare professionals may need to know about your treatment at Circle in order to provide you with appropriate care in the future. Examples of third parties who may need access to your information can be found at Section 11.	We have a business need, or 'legitimate interest' to process your personal information and such business need does not cause harm to you (Article 6(f)).	Processing is necessary for the purposes of medical diagnosis or the provision of healthcare (Article 9 (2)(h)).
Complying with our legal or regulatory obligations, and defending or exercising our legal rights.	Circle is subject to a wide range of legal and regulatory responsibilities. We may be required to provide personal information, and in which case we will have a legal responsibility to do so. From time to time, Circle and its clinicians are also the subject of legal actions or complaints. In order to fully investigate and	The processing is necessary in order for us to comply with our legal obligations (Article 6(c)).	The processing is necessary for establishing, exercising or defending legal claims (Article 9(2)(f)).

	respond to those actions, it is necessary to process your personal information.		
For the health and safety of others.	<p>On rare occasions, we must share your data in the public interest. For example, to report an infectious disease like meningitis or measles.</p> <p>Disclosures of personal information will only take place where there is an overriding public interest which outweighs Circle's duty of confidentiality.</p>	Processing is necessary for the performance of a task carried out in the public interest (healthcare) (Article 6(d)).	Processing is necessary for reasons of substantial public interest in the area of public health (Article 9(2)(i)).
Improving the quality of our care and service.	Circle strives to offer an outstanding experience to all of its patients. We sometimes ask patients to review our services for the purpose of improving our service or monitoring patient outcomes. It is for this reason that we also record and review phone calls.	<p>We will only contact you regarding patient surveys if you have provided your consent on the patient registration form (Article 6(a)).</p> <p>We have a business need, or 'legitimate interest' to record patient phone calls and such business need does not cause harm to the patient (Article 6(f)).</p>	We will only contact you regarding patient surveys if you have provided your consent on the patient registration form (Article 9(2)(a)).
To provide you with marketing information about Circle's	Circle engages in marketing but we are conscious of your rights and	We will only send marketing information to you if you have	We will only send marketing information to you if you have

products and services.	expectations when we carry out our marketing activities. We will only provide you with information about products or services which may be of interest to you and only where you have specifically confirmed your consent to do so.	provided your consent for us to do so (Article 6(a)).	provided your consent for us to do so (Article 9(2)(a)).
For account settlement purposes.	Circle needs to ensure that your account and billing information is accurate and up-to-date.	Processing is necessary for the performance of a task carried out in the public interest (healthcare) (Article 6(d)).	The processing is necessary in order for us to establish, exercise or defend our legal rights (Article 9(2) (f)).
Managing our business operations.	Circle has a need to maintain its accounting records, analyse its financial results and receive professional business advice.	We have a business need, or 'legitimate interest' to use your personal information and such business need does not cause harm to the patient (Article 6(f)).	No special category data will be processed under this purpose, so no additional legal justification applies.