

# Privacy/Fair Processing Notice

## Security of information

Confidentiality affects everyone: the Mid Yorkshire Hospitals NHS Trust collects, stores and uses large amounts of personal and sensitive personal data every day, such as medical records, personal records and computerised information. This data is used by many people in the course of their work.

We take our duty to protect personal information and confidentiality very seriously and we are committed to comply with all relevant legislation and to take all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

At Trust Board level, we have appointed a Senior Information Risk Owner who is accountable for the management of all information assets and any associated risks and incidents, and a Caldicott Guardian who is responsible for the management of patient information and patient confidentiality.

## Legal basis for the processing of your data

The General Data Protection Regulation (GDPR) 2018 requires the Trust to process:

**Sensitive personal data** (Health Records) under 9(2)(h) – *“Necessary for the reasons of preventative or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”* and occasionally 9(2)(c) *“when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent.”*

**Personal data** under 6(1)(e) *“Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust (Data Controller)”* and occasionally 6(1)(d) *“when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent.”*

## Why do we collect information about you?

All clinicians and health and social care professionals caring for you keep records about your health and any treatment and care you receive from the NHS. These records help to ensure that you receive the best possible care. They may be paper or electronic and they may include:

- Basic details about you such as name, address, email address, NHS number, date of birth, next of kin, etc
- Contact we have had with you such as appointments or clinic visits
- Notes and reports about your health, treatment and care – A&E visits, in patient spells or clinic appointments

- Details of diagnosis and treatment given
- Information about any allergies or health conditions
- Results of x-rays, scans and laboratory tests
- Relevant information from people who care for you and know you well such as health care professionals and relatives.

It is essential that your details are accurate and up to date. Always check that your personal details are correct when you visit us and please inform us of any changes to your contact details or GP Practice as soon as possible. This reduces the risk of you not receiving important correspondence.

By providing the Trust with their contact details, patients are agreeing to the Trust using those channels to communicate with them about their healthcare, i.e. by letter (postal address), by voice mail or voice message (telephone or mobile number), by text message (mobile number) or by email (email address).

## How your personal information is used

In general your records are used to direct, manage and deliver the care you receive to ensure that:

- The doctors, nurses and other health or social care professionals involved in your care have accurate and up to date information to assess your health and decide on the most appropriate care for you.
- Health or social care professionals have the information they need to be able to assess and improve the quality and type of care you receive.
- Your concerns can be properly investigated if a complaint is raised.
- Appropriate information is available if you see another clinician, or are referred to a specialist or another part of the NHS or social care.

## The Care Record

The Care Record is a shared system that allows health or social care professionals within the Mid Yorkshire Health and Social Care community to appropriately access the most up-to-date and accurate information about patients to deliver the best possible care.

## The NHS Care Record Guarantee

The Care Record Guarantee is our commitment that we will use records about you in ways that respect your rights and promote your health and wellbeing. Copies of the full document can be obtained from:

[https://digital.nhs.uk/media/329/Care-Record-Guarantee/pdf/Care\\_Record\\_Guarantee](https://digital.nhs.uk/media/329/Care-Record-Guarantee/pdf/Care_Record_Guarantee)

## The Records Management Code of Practice

This Records Management Code of Practice for Health and Social Care 2016 is a guide for the NHS to use in relation to the practice of managing records. It is relevant to organisations who work within, or under contract to NHS organisations in England. This also includes

public health functions in Local Authorities and Adult Social Care where there is joint care provided within the NHS.

The Code is based on current legal requirements and professional best practice. It will help organisations to implement the recommendations of the Mid Staffordshire NHS Foundation Trust Public Inquiry relating to records management and transparency.

[www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care](http://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care)

## How long health records are retained

All patient records are destroyed in accordance with the NHS Records Management Code of Practice retention schedules, which sets out the appropriate length of time each type of NHS records is retained. <https://digital.nhs.uk/records-management-code-of-practice-for-health-and-social-care-2016>

The Trust does not keep patient records for longer than necessary and all records are destroyed confidentially once their retention period has been met, and the Trust has made the decision that the records are no longer required.

## When do we share information about you?

We share information about you with others directly involved in your care; and also share more limited information for indirect care purposes, both of which are described below:

Everyone working within the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives information from us also has a legal duty to keep it confidential.

### Direct Care Purposes

- Other NHS Trusts and hospitals that are involved in your care
- NHS Digital and other NHS bodies
- General Practitioners (GPs)
- Ambulance Services.

You may be receiving care from other people as well as the NHS, for example Social Care Services. We may need to share some information about you with them so we can all work together for your benefit if they have a genuine need for it or we have your permission. Therefore, we may also share your information, subject to strict agreement about how it will be used, with:

- Social Care Services
- Education Services
- Local Authorities
- Voluntary and private sector providers working with the NHS.

We will not disclose your information to any other third parties without your permission unless there are exceptional circumstances, such as if the health and safety of others is at risk or if the law requires us to pass on information.

### **Indirect Care Purposes:**

We also use information we hold about you to:

- Review the care we provide to ensure it is of the highest standard and quality
- Ensure our services can meet patient needs in the future
- Investigate patient queries, complaints and legal claims
- Ensure the hospital receives payment for the care you receive
- Prepare statistics regarding NHS performance
- Audit NHS accounts and services
- Undertake health research and development (with your consent – you may choose whether or not to be involved)
- Help train and educate healthcare professionals.

Nationally there are strict controls on how your information is used for these purposes. These control whether your information has to be de-identified first and with whom we may share identifiable information. You can find out more about these purposes, which are also known as secondary uses, on the NHS England and NHS Digital's websites:

- [www.england.nhs.uk/](http://www.england.nhs.uk/)
- <https://digital.nhs.uk/>

## **When other people need information about you**

Everyone working in Health and Social Care has a legal duty to keep information about you confidential and anyone who receives information from us is also under a legal duty to keep it confidential.

From time to time we may need to share information with other professionals and services concerned in your care. This may be for instance, when your healthcare professional needs to discuss your case with other professionals (who do not work for the Trust) in order to plan your care. We do this in order to provide the most appropriate treatment and support for you and your carers, or when the welfare of other people is involved. We will only share information in this way if we have your permission and it is considered necessary.

There may be other circumstances when we must share information with other agencies. In these rare circumstances we are not required to seek your consent.

Examples of this are:

- If there is a concern that you are putting yourself at risk of serious harm
- If there is a concern that you are putting another person at risk of serious harm

- If there is a concern that you are putting a child at risk of harm
- If we have been instructed to do so by a court
- If the information is essential for the investigation of a serious crime
- If you are subject to the Mental Health Act (1983), there are circumstances in which your 'nearest relative' must receive information even if you object
- If your information falls within a category that needs to be notified for public health or other legal reasons, e.g. certain infectious diseases.

## Other ways in which we use your information

### Call recording

Telephone calls to the Trust are routinely recorded for the following purposes:

- To make sure that staff act in compliance with Trust procedures
- To ensure quality control
- Training, monitoring and service improvement
- To prevent crime, misuse and to protect staff.

## Data subjects rights

**Under the Data Protection Act - 6<sup>th</sup> Principle:**

- A right of access to a copy of their personal data
- A right to object to processing that is likely to cause or is causing damage or distress
- A right to object to decisions being taken by automated means
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- A right to claim compensation for damages caused by a breach of the Act.

**Under the General Data Protection Regulation (GDPR)**

- A right to confirmation that their personal data is being processed and access to a copy of that data which in most cases will be Free of Charge and will be available within one month (which can be extended to two months in some circumstances)
- Who that data has or will be disclosed to
- The period of time the data will be stored for
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- Data Portability – data provided electronically in a commonly used format
- The right to be forgotten and erasure of data does not apply to an individual's health record or for public health purposes

- The right to lodge a complaint with a supervising authority (see Raising a concern page 7).

## Your right to object

You have the right to restrict how and with whom we share information in your records that identifies you. If you object to us sharing your information we will record this explicitly within your records so that all healthcare professionals and staff involved with your care are aware of your decision. If you choose not to allow us to share your information with other health or social care professionals involved with your care, it may make the provision of treatment or care more difficult or unavailable.

Please discuss any concerns with the clinician treating you so that you are aware of any potential impact. You can also change your mind at any time about a disclosure decision.

## Refusing or withdrawing consent

The possible consequences of refusing consent will be fully explained to the patient at the time, and could include delays in receiving care.

In those instances where the legal basis for sharing of confidential personal information relies on the patient's explicit or implied consent, then the patient has the right at any time to refuse their consent to the information sharing, or to withdraw their consent previously given.

In instances where the legal basis for sharing information without consent relies on HRA CAG authorisation under Section 251 of the NHS Act 2006, then the patient has the right to register their objection to the disclosure, and the Trust is obliged to respect that objection.

In instances where the legal basis for sharing information relies on a statutory duty/power, then the patient cannot refuse or withdraw consent for the disclosure.

## SMS text messaging

When attending the Trust for an outpatient appointment or a procedure you may be asked to confirm that the Trust has an accurate contact number and mobile telephone number for you. This can be used to provide appointment details via SMS text messages and automated calls to advise you of appointment times.

## Surveillance cameras (CCTV)

We employ surveillance cameras (CCTV) on and around our sites in order to:

- Protect staff, patients, visitors and Trust property
- Apprehend and prosecute offenders, and provide evidence to take criminal or civil court action
- Provide a deterrent effect and reduce unlawful activity
- Help provide a safer environment for our staff
- Assist in traffic management and car parking schemes

- Monitor operational and safety related incidents
- Help to provide improved services, for example by enabling staff to see patients and visitors requiring assistance
- Assist with the verification of claims.

You have a right to make a Subject Access Request of surveillance information recorded of yourself and ask for a copy of it. Requests should be directed to the address below and you will need to provide further details as contained in the section 'How you can access your records'. The details you provide must contain sufficient information to identify you and assist us in finding the images on our systems.

We reserve the right to withhold information where permissible by the General Data Protection Regulation (GDPR) 2018 and we will only retain surveillance data for a reasonable period or as long as is required by law. In certain circumstances (high profile investigations, serious or criminal incidents) we may need to disclose CCTV data for legal reasons. When this is done there is a requirement for the organisation that has received the images to adhere to the GDPR.

## How you can access your records

The GDPR 2018 gives you a right to access the information we hold about you on our records. Requests must be made in writing to the Access to Health Records Department. The Trust will provide your information to you within one month (this can be extended dependent on the complexity of the request) from receipt of your application:

- A completed application form, containing adequate supporting information (such as your full name, address, date of birth, NHS number, etc.) to enable us to verify your identity and locate your records.
- Information will be provided free of charge except where requests are unfounded or excessive, in particular repeat requests then the Trust may either charge a reasonable fee or refuse to act on the request.

Telephone 01924 – 543697/543700 or write to:

The Access to Records Department  
 The Mid Yorkshire Hospitals NHS Trust  
 Pinderfields Hospital  
 Aberford Road  
 Wakefield  
 WF1 4EE

Email [accesstorecords@midyorks.nhs.uk](mailto:accesstorecords@midyorks.nhs.uk)

## Data controller

The Data Controller responsible for keeping your information confidential is:

The Mid Yorkshire Hospitals NHS Trust  
 Trust Headquarters  
 Pinderfields Hospital  
 Aberford Road

Wakefield  
WF1 4DG

Tel. 0844 8118110 or 01924 541000

Data Protection Officer contact: [heather.cook@midyorks.nhs.uk](mailto:heather.cook@midyorks.nhs.uk)

## Raising a concern

Patients who have a concern about any aspect of their care or treatment at this Trust, or about the way their records have been managed, should contact the [Patient Advice & Liaison Service \(PALS\)](#).

If you have any concerns about how we handle your information you have a right to complain to the Information Commissioners Office about it.

The GDPR 2018 requires organisations to lodge a notification with the Information Commissioner to describe the purposes for which they process personal information.

These details are publicly available from:

Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow, SK9 5AF

Telephone: 08456 306060

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by The Mid Yorkshire Hospitals NHS Trust, subject to a number of exemptions. If you would like to request some information from us, please visit the Freedom of information section of our website.

Please note: if your request is for information we hold about you (for example, your health record), please instead see above, under 'How You Can Access Your Records'.