

PRIVACY NOTICE

What is a Privacy Notice?

The General Data Protection Regulation (GDPR) requires that data controllers provide certain information to people whose information (personal data) they hold and use. A privacy notice is one way of providing this information. This is sometimes referred to as a fair processing notice.

So that we can provide you with the best possible service, a variety of information is collected about you from a range of sources, such as your General Practitioner. This information is used to support your healthcare. Under the GDPR information about your physical and mental health, racial or ethnic origin and religious belief is considered to be special category personal information and is subject to strict laws governing its use. Southport & Ormskirk Hospital NHS Trust is a data controller under the GDPR and the Data Protection Act 2018. This page explains why Southport and Ormskirk Hospital NHS Trust collects personal information about you, the ways in which such information may be used, and your rights under the General Data Protection Regulation. The Trust is legally responsible for ensuring its processing of personal information is in compliance with the General Data Protection Regulation and the Data Protection Act 2018.

Security of Information

Confidentiality affects everyone: the Southport and Ormskirk Hospital NHS Trust collects, stores and uses large amounts of personal and special category 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 (SIRO) 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. We have also appointed a Data Protection Officer who advises the Trust on data protection matters and monitors compliance with the data protection legislation. The DPO's details are set out at the end of this notice.

Legal Basis for the Processing of Your Data

The General Data Protection Regulation (GDPR) 2018 requires the Trust to have a legal basis under Article 6 (and in the case of special category data Article 9) of the GDPR for the processing of personal data. In the main, the following legal bases

apply to the Trust's processing of personal data:

Special category personal data:

Article 9(2)(b) – *“processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law”*

Article 9(2)(c) *“processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent”*

Article 9(2)(f) – *“processing is necessary for the establishment, exercise or defence of legal claims”*

Article 9(2)(g) – *“processing is necessary for reasons of substantial public interest”*

Article 9(2)(h) – *“processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”*

Personal data:

Article 6(1)(e) - *“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”*

Article 6(1)(b) – *“processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract”*

Article 6(1)(d) - *“ processing is necessary in order to protect the vital interests of the data subject or of another natural person”* Article 6 (1) (f) - *“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party”* - this basis might be applicable for example in our use of CCTV (see further below) or in the way we process data for car parking management.

Why 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 minimises 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).

Southport and Ormskirk Hospital NHS Trust may need to keep and process information about you for employment purposes. We will keep and use it to enable us to comply with contractual, statutory, and management obligations and responsibilities. We collect information during the recruitment process, whilst you are working for us and at the time when your employment ends. This includes using information to enable us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the Trust and protect our legal position in the event of legal proceedings.

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 Southport and Ormskirk 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:

[NHS Care Record Guarantee](#)

How Long Health Records Are Retained

All patient records are retained and ultimately destroyed in accordance with the *NHS Records Retention Schedule*, which sets out the appropriate length of time each type of NHS record should be retained.

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.

Employment records are also retained and ultimately destroyed in accordance with this Schedule.

When 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. We will only share information about you in compliance with the GDPR and Data Protection Act 2018.

Everyone working within the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives such information from us on a confidential basis 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 the 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 (often 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
- digital.nhs.uk

When Other People Need Information About You

There may be circumstances when other agencies need information about you or where 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)* if your information falls within a category that needs to be notified for public health or other legal reasons, e.g. certain infectious diseases

Data Subject Rights

The GDPR includes a number of rights that are more extensive than those in the Data Protection Act 1998. We must generally respond to requests in relation to your rights within one month, although there are some exceptions to this.

The availability of some of these rights depends on the legal basis that applies in relation to the processing of your personal data, and there are some other circumstances in which we may not uphold a request to exercise a right. Your rights and how they apply are described below.

Right to be informed

Your right to be informed is met by the provision of this privacy notice, and similar information when we communicate with you directly – at the point of contact.

Right of access

You have the right to obtain a copy of personal data that we hold about you and other information specified in the GDPR although there are exceptions to what we are obliged to disclose.

A situation in which we may not provide all the information is where in the opinion of an appropriate health professional disclosure would be likely to cause serious harm to your, or somebody else's physical or mental health.

Right to rectification

You have the right to ask us to rectify any inaccurate data that we hold about you.

Right to erasure ('right to be forgotten')

You have the right to request that we erase personal data about you that we hold. This is not an absolute right, and depending on the legal basis that applies, we may have overriding legitimate grounds to continue to process the data.

Right to restriction of processing

You have the right to request that we restrict processing of personal data about you that we hold. You can ask us to do this for example where you contest the accuracy of the data.

Right to data portability

This right is only available where the legal basis for processing under the GDPR is consent, or for the purposes of a contract between you and the Trust. For this to apply the data must be held in electronic form. The right is to be provided with the

data in a commonly used electronic format.

Right to object

You have the right to object to processing of personal data about you on grounds relating to your particular situation. The right is not absolute and we may continue to use the data if we can demonstrate compelling legitimate grounds.

Rights in relation to automated individual decision-making including profiling

You have the right to object to being subject to a decision based solely on automated processing, including profiling. Should we perform any automated decision-making, we will record this in our privacy notice, and ensure that you have an opportunity to request that the decision involves personal consideration.

Right to complain to the Information Commissioner

You have the right to complain to the Information Commissioner if you are not happy with any aspect of the Trust's processing of personal data or believe that we are not meeting our responsibilities as a data controller. The contact details for the Information Commissioner are:

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

Website: www.ico.org.uk

How You Can Access Your Records and Exercise your Rights

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. Please note that some or all of the information requested may be withheld in reliance on exemptions contained within the GDPR and Data Protection Act 2018.

Contact our Access to Health Team at soh-tr.access-to-health@nhs.net for information and the details required.

To exercise any other rights, please contact soh-tr.infogov@nhs.net

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/or the Data Protection Act 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.

Data Controller

The Data Controller responsible for processing your data is: Southport and Ormskirk Hospital

Southport and Ormskirk Hospital NHS Trust
Southport and Formby District General Hospital
Town Lane, Kew
Southport
Merseyside
PR8 6PN

By Telephone

01704 547 471

Data Protection Officer Contact:

Audley Charles, soh-tr.dpo@nhs.net

Raising Concerns

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 Experience and Complaints Service (PECS). soh-tr.complaints@nhs.net, 01704 704958
If you have any concerns about how we handle your information you have a right to complain to the Information Commissioner's 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: 0303 123 1113 Website: www.ico.org.uk

Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by the Southport and Ormskirk Hospital NHS Trust, subject to a number of exemptions. If you would like to request some information from us which is not your personal data or the personal data of somebody you are acting on behalf of, 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*".