

Privacy Notice for Patients - Data Protection Act 2018

Northern Devon Healthcare NHS Trust is committed to protecting your privacy when you use our services. This privacy notice explains your rights as a Trust service user, how we use information about you, and how we protect your privacy.

The Data Protection Act controls how your personal information is used by organisations, businesses or the government. Under the Act our Trust is defined as a 'data controller' of personal information. We collect information to help us provide and manage healthcare to our patients. The Trust is [registered](#) with the Information Commissioner's Office (registration number Z7485161).

Data Processing in response to COVID-19

This supplemental section describes how we may use your information to protect you and others during the Covid-19 outbreak.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the Covid-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-outs](#). However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply.

It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information including health and care records with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period of emergency we may offer you a consultation via telephone or video-conferencing, most likely via 'Attend Anywhere'. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

Given the fast-changing, unpredictable nature of the climate in which we are operating, we may be required to amend this privacy notice at any time. We would therefore kindly advise you to review this notice frequently.

What is personal information ?

Personal information identifies a living individual. Therefore your personal information is anything that can be attributed to you personally, including your name, weight, height, date of birth, health conditions and treatments you receive. So long as you can be identified from it, it is your personal information.

Organisations that use personal information must do so in line with the provisions of the Data Protection Act 2018. The Act applies to personal information held in both electronic and paper records.

Examples of the personal information that we hold about our patients are:

- Name, address, date of birth, NHS Number and next of kin
- Contact information i.e. telephone number(s), email address
- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Family, lifestyle and social circumstances
- Contacts we have had with you such as clinic visits
- Details of diagnosis and treatment
- Allergies and physical or mental health conditions

Why we collect information about you ?

We need to keep records about the health care and treatment you receive as one of our patients. This helps ensure that you receive the best possible care from us and that full information is readily available if you see another doctor or are referred to a specialist or another part of the NHS.

We may also use personal information to:

- prepare statistics on NHS performance
- audit NHS services
- monitor how we spend public money
- plan and manage the health service
- teach and train healthcare professionals and NHS employees
- conduct health research and development, click [here](#) for more information

Data Protection Act 2018 and legal basis for processing

All of the personal information that we collect and use is handled in accordance with the Data Protection Act principles. These state that personal data processing must be:

1. lawful and fair
2. specified, explicit and legitimate
3. adequate, relevant and not excessive
4. accurate and kept up to date
5. kept for no longer than is necessary
6. in a secure manner.

As an NHS hospital we have been authorised by the government to provide healthcare and must keep accurate records for this. Under GDPR our legal basis for processing patient information is:

Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject,

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) (e) - the performance of a task carried out in the public interest or in the exercise of the controller's official authority,

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, and,

Article 9(2) (h) – the provision of health or social care or treatment or the management of health of social care systems and services. care or treatment or the management of health of social care systems and services.

Who do we share personal information with and why ?

Our Trust shares personal information with a range of organisations. We will always endeavour to share the minimum amount of personal information required, anonymising where necessary. However there will be some instances where personal information will need to be shared with other organisations for the purposes of caring for our patients.

We may share personal information with the following organisations for the purposes of delivering or improving healthcare, or where there is a legal requirement for us to do so:

- General Practitioners (GPs)
- Ambulance services
- Other NHS Trusts and services
- Clinical Commissioning Groups
- Social services
- Department for Work & Pensions
- Education services
- Voluntary and private sector providers

How do we keep your personal information safe and secure ?

Our staff members are trained to handle your information correctly and protect your privacy and keep your information secure. We aim to maintain high standards and regularly check and report on how we are doing. Where we fall below acceptable standards we investigate and report serious incidents to the Information Commissioner's Office (ICO). Everyone working in the NHS signs up to the NHS code of confidentiality and are aware of the high standards we expect them to adhere to when handling your personal information.

How long do we keep your records ?

We do not keep your care records for longer than necessary. All our records are destroyed in accordance with the [NHS Retention Schedules](#), which sets out the appropriate length of time different

types of records are retained. Typically adult care records are retained for eight years, maternity records for 25 years and cancer records for 30 years. 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.

What are your information rights ?

You have a number of rights under the Data Protection Act:

1. To be informed why, where and how we use your information
2. To ask for access to your Medical Records information *
3. To ask for your information to be corrected if it is inaccurate or incomplete
4. To ask us to restrict the use of your information in certain circumstances
5. In limited circumstances to ask us to copy or transfer your information from one IT system to another
6. To object to how your information is used
7. To challenge decisions made without human intervention (automated decision making)

*You can request access to CCTV imagery about you that we may hold

National Data Opt-out Programme

NHS Digital is developing a new system to support the national data opt-out which will give patients more control over how identifiable health and care information is used. The system will offer patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used just for their individual care and treatment or also used for research and planning purposes. To find out more: [NHS Digital national data opt out](#)

Please also see our: [Transparency Statement](#).

Surveillance Cameras (CCTV & Body Worn Video)

We employ surveillance cameras (CCTV and Body Worn Video) on and around the hospital site in order to:

- protect patients, visitors, staff and Trust property
- apprehend and prosecute offenders, and provide evidence to take criminal or civil action in the courts
- provide a deterrent effect and reduce unlawful activity
- help provide a safer environment for our staff

You have a right to make a Subject Access Request of surveillance information recorded of yourself and ask for a copy of it. Please see the '[What are your information rights ?](#)' section. 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 Data Protection Legislation 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 or Body Worn Video data for legal reasons. When this is done there is a requirement for the organisation that has received the images to adhere to Data Protection Legislation.

How do I obtain a copy of my personal information

Please refer to our Access to Patient Records [page](#)

Contact for data protection questions or concerns

If you have any questions or concerns about how we manage your information then please contact the Data Protection Officer for our Trust:

Data Protection Officer
Northern Devon Healthcare NHS Trust
Munro House
Raleigh Park
Barnstaple
EX31 4JB
Tel: 01271 322577
Email: ndht.dpo@nhs.net

The Information Commissioner's Office (ICO) is the body that regulates Data Protection <https://ico.org.uk/> . If you are not satisfied with our DPO response or believe we are not processing your personal data in accordance with the law you can complain to the ICO at:

Information Commissioner's Office (ICO)
Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
SK9 5AF

Tel: 03031231113
Web: <https://ico.org.uk/concerns/>