

# Your Health and Social Care Record

## Issued by Information Governance

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### Introduction

This leaflet explains why we ask for your personal information (as Data Controller), how that information will be used, kept safe and your rights around your health and social care record, such as seeing your record.

The Community Services Business Unit of Northumbria Healthcare delivers community health services in North Tyneside and Northumberland and adult social care services in Northumberland.

Everyone working for Health and Social Care Services has a legal duty to keep information about you confidential.

The Trust is registered with the Information Commissioners Office, our registration number is: Z691260X.

### Why is information recorded about me?

The professionals caring for you keep records about your care and treatment. They may be written (manual records), or held on a computer (electronic records). The records help ensure you receive the best possible care from us. If we do not have accurate up to date information, this may impact on the services that we provide to you. There may also be some legal requirements where it is necessary to hold information about you. Where we have not collected your information directly ourselves, this will be clearly documented and/ or stated to you. Some information that we hold may have been provided by The Personal Demographics Service (PDS), this is the national electronic database of NHS patient details such as name, address, date of birth and NHS number. Information recorded about you can include:

- Basic details about you, such as address and next of kin;
- Details of contacts we have had with you, such as clinic visits;
- Notes and reports about your care and treatment, for example, change in medication or family circumstances;
- Details and records about your care and treatment, for example, advice given or referrals made
- Results of investigations;
- Relevant information from people who care for you and know you well, for example, social and healthcare professionals and relatives.

### What is the information used for?

For your care:

Your records are used to help decide about the care you receive. They ensure that:

- The professionals involved have accurate and up-to-date information on your needs and future care requirements;
- Relevant information is available, should you need to see another care professional, or be referred to specialist NHS services;
- There is a good basis for assessing the quality of the care you receive;
- Your concerns can be properly investigated, should you need to complain.

We do not rely on consent to use your information as a 'legal basis for processing'.

We rely on specific legal provisions under Article 6 and 9 of the GDPR to provide you with Healthcare, for the purposes described in this notice we will be lawfully using your information in accordance with:

**Personal Data** – under **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”.*

**Sensitive (Special Category) Personal Data** – under **Article 9(2)(h)** *“processing is necessary for the purposes of preventative 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”.*

Teaching:

Your data may be anonymised for the purposes of teaching and research. Great care is taken to exclude all personal information in such instances. For example we may anonymise radiology images to remove all identifiers for the purpose of training radiographers.

Statistics and research:

In limited situations we may also process your data under **Article 9(2)(j)** – *processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.*

Some of your personal information may be used for statistical reporting purposes. We are very careful to make sure that individual patients cannot be identified.

These reports may also be passed to organisations involved in health and social care research, for example universities. Occasionally an independent audit (check) will take place to make sure your information is being recorded and stored accurately and securely.

Research:

The Trust actively promotes research with a view to improving quality of services for the future. You may have the opportunity to participate in an important research study and as a result may be approached by a member of Northumbria Healthcare NHS Foundation Trust staff. If you would like to get involved in our research please discuss this with the team who are providing your treatment. If we use your patient information for research, we remove your name and all other personal data which would identify you. If we need the information in a form that would personally identify you, we would ask for your permission first. Additionally we may also approach/ contact you with research that you may be interested with; this research may be carried out by another organization (currently Synexus). You are under no obligation to participate and no information is ever shared by Northumbria Healthcare with them.

NHS Patient Survey Programme (NPSP):

Your Information may also be used in relation to the National NHS Patient Survey Programme, this may include passing on your contact information onto an approved contractor. The legal basis for using your information for this survey is that it is carried out in the public interest. You have the right to opt out of this. The programme produces anonymised reports to help make service improvements.

Patient Reported Outcome Measures (PROMS):

As part of our on-going commitment to our patients we may ask you to complete a PROMS questionnaire at different stages of your treatment, if you are eligible under the programme. The information you provide in these questionnaires will be used by healthcare professionals within Northumbria Healthcare NHS Foundation Trust that have been involved in your care. This is to monitor your health and the success of your treatment. From the information collected on these questionnaires, anonymised data will be used for the purposes of service improvement, planning and research. This is carried out as part of our public tasks in the public interest. Participation in PROMS is not compulsory. At any point you can inform us that you no longer wish to participate and we will no longer provide you with any questionnaires in the future.

Friends & Family Test is an important feedback tool that supports the fundamental principle that people who use NHS services should have the opportunity to provide feedback on their experience. We send out surveys in relation to this annually. Our legal basis for doing so is that it is carried out in the public interest.

On the rare occasions where it is essential to include information about you, in most instances we would seek your consent for this unless there is a legal obligation to share the information.

Other purposes may include:

- Improving services, i.e. patient satisfaction survey;
- Performance monitoring and analysis to help us assess the quality and standard of our healthcare services.
- Training purposes to ensure staff are adequately trained to carry out their role;
- Conducting an investigation in response to a complaint or police enquiry;
- Research purposes, i.e. health or scientific research (any published data will always be anonymous).

Information may be used for a number of lawful bases by Northumbria Healthcare NHS Foundation Trust. Which one, will depend on the individual circumstances. These include:

- Consent: You have given clear consent to use your personal data for specific purposes
- Legal obligation: the processing is necessary to comply with the law.
- Vital Interests: the processing is necessary to protect life.
- Public task: the processing is necessary to perform a task in the public interest or for our official functions and the task or function has a clear basis in law.

We are required by law to report certain information to appropriate authorities. This is only provided after permission has been given by a qualified health/social care professional.

Occasions when information must be passed on include:

- Birth notification
- Where we encounter infectious diseases which may be a public health concern, for example, meningitis and measles (but not HIV/AIDS)
- Where a formal court order has been issued

With your agreement, your relatives, friends and carers can also be given information about you to keep them up-to-date regarding your care.

**Anyone who receives information from us has a legal duty to keep it confidential.**

## **Storage of personal information**

All personal data held by Northumbria Healthcare NHS Foundation Trust is held for a time period in accordance with the Records Management Code of Practice for Health and Social Care 2016.

## **Sharing information**

When other agencies are involved in your care, we may need to share details about you to help us to work together for your benefit. We make every effort to establish a written form of agreement/contract in such cases to ensure that all information is kept secure and is not disclosed to any unauthorised individuals.

Information will only be shared with them if they have genuine need for it and where possible we will ask for your consent for this.

These could include:

- Other NHS organisations e.g. hospitals, GPs etc
- Local Authority Departments, including Social Services and Education
- Voluntary and other private sector care providers

Occasions when your information needs to be disclosed (given) include:

- Where the health and safety of others is at risk (safeguarding)
- When the law requires us to pass on information under special circumstances
- When approved by the Secretary of State for Health

We may also be required under a legal obligation and for the management of health and social care systems to share your information with NHS Digital, which is the national provider of information, data and IT systems to the NHS. This includes certain datasets such as Mental Health Services (MHSDS) and Maternity Services Data (MSDS). Further information on these can be found on the NHS Digital website.

The NHS is also legally obliged to inform the Home Office of a relevant unpaid debt for NHS Care. As a result we may be required to share information about you through the Department of Health and Social Care, if you have an unpaid debt for NHS care. The detailed that may be shared include: full name, aliases, date of birth, gender, nationality, current address, National insurance number, Home office reference number, any other reference number such as passport number, details of your unpaid debt.

There also may be limited circumstances when we share your information with a debt collection agency for any debts that remain unpaid to the Trust. We share this information as part of our legitimate interests in order to recover monies owed. We ensure an agreement is in place with any such organisation to safeguard the information shared. This may include: Name, address, date of birth, contact details, details of your unpaid debt/ what this relates to.

Additionally, we may need to share your NHS number with Clinical Commissioning Groups (CCG) including the North of England Commissioning Support Unit, who process requests on behalf of the CCGs that we work with, for the purpose of having funding approved for certain procedures. No other patient identifier is included other than your NHS number during this process. This information is processed under Article 6(e): performance of a public task/ official functions and; Article 9(h) provision of health or social care or treatment. Without sharing this information, we may be unable to offer you certain procedures or treatment that you have been referred to us for.

Certain Drugs provided by the Cancer Drugs Fund also require us to submit personal data to Public Health England in order for the use of the drugs in your treatment to be funded. In these cases, only the minimum information is provided such as NHS number & Drug required. This information is processed under Article 6(e): performance of a public task/ official functions and; Article 9(h) provision of health or social care or treatment. Without sharing this information we may be unable to provide you with a specific drug.

If there is information you do not wish us to share, please advise one of your health or social care professionals involved in your care.

Northumbria Healthcare NHS Foundation Trust currently provides Adult Social Care services on behalf of Northumberland County Council. As a result, Information necessary for the safe running of these services may be shared between the two organisations working in partnership.

In addition, other organisations such as your GP may share your information with us. This information is only accessed if there is a legitimate reason to do so, such as in relation to your treatment/ an attendance in our Emergency department etc.

In the performance of our tasks, we may input your data into systems provided by external providers. In all instances, we will ensure we have appropriate legal agreements in place in line with Data Protection Laws.

## **COVID-19**

Northumbria Healthcare NHS Foundation Trust, under the instruction of the Department of Health & Social Care are processing and sharing patient information amongst health organisations and other bodies engaged in disease surveillance for the purpose of research, protecting public health,

providing healthcare services to the public and monitoring and managing the Covid-19 outbreak and incidents of exposure. The Secretary of State for Health and Social Care has instructed the Trust to process this information under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002. We are only processing personal information under this order:

- Where the confidential patient information to be processed is required for a Covid-19 purpose and will be processed solely for that Covid-19 purpose in accordance with Regulation 7 of (control of patient information); and
- Until 30<sup>th</sup> September 2020.

A Covid-19 purpose includes but is not limited to the following:

- Understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
- Identifying and understanding information about patients or potential patients with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19;
- Understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care;
- Monitoring and managing the response to Covid-19 by health and social care bodies and the Government including providing information to the public about Covid-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within the health services and adult social care services;
- Delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with Covid-19, including the provision of information, fit notes and the provision of health care and adult social care services; and
- Research and planning in relation to Covid-19.

## **Private patients**

In addition to the information provided throughout this notice, we may also process further information relating to any 'private patients' (not funded through the NHS) we treat. In addition to the legal basis we rely on for using NHS patient's information, we also process information for private patients which is 'necessary for the performance of a contract (provision of private healthcare purposes)'.

Additional information we hold in relation to private patients may include:

- Bank and financial details;
- Any relevant details relating to private healthcare insurance, such as your provider.

This information is processed to the same secure standards as your healthcare information outlined in this notice. Additionally however, we may also share some of your information with:

- Private insurers that are involved;
- PHIN (Private Healthcare Information Network) who are the government's recognized body for processing private patient's data.

## **Can I see my Health and Social Care record / your rights?**

Under Data Protection laws, you have rights which allow you to find out what information is held about you, on computer and in certain manual records. This is known as "right of subject access", and applies to your health and social care records.

If you want to see or receive a copy of your records speak to a member of staff who will be able to help you. In certain circumstances access to your records may be limited, for example, if it is felt to be in your best interest or for the protection of others.

Under the law, you may also have additional rights in relation to your information. For example:

- You also have the right to request any decisions taken by automated decision making with regards to your information;
- The right to rectification of your information is found to be inaccurate (in line with NHS Guidelines);
- The right to restrict processing (where applicable);
- The right to data portability;
- You may have the right to erasure of your personal information held by us, in certain circumstances.
- You have the right to withdraw consent at any time, where consent has been given.

## Children's Health & Social Records

All records relating to individuals under the age of 18 adhere to the same standards as those above as a minimum.

## Further Information

If you would like to know more about how we use your information or if, for any reason you do not wish to have your information used in any of the ways described in this leaflet, please speak to the health or social care professionals concerned with your care. If you do not feel comfortable doing this you can also find out more by contacting the Information Governance Department or the Trusts designated Data Protection Officer using the below contact information. Further guidance about data protection can be obtained at [www.ico.org.uk](http://www.ico.org.uk). You also have the right to lodge a complaint with the Information Commissioners Office.

## Contact Information

<b>Information Governance team</b> Information Governance Digital Services 3 <sup>rd</sup> Floor Cobalt Business Exchange & Conference Centre Cobalt Park Way Newcastle upon Tyne NE28 9NZ  0191 607 3601 or; <a href="mailto:igofficer@northumbria-healthcare.nhs.uk">igofficer@northumbria-healthcare.nhs.uk</a>	<b>Data Protection Officer</b> Tracey Best Digital Services 3 <sup>rd</sup> Floor Cobalt Business Exchange & Conference Centre Cobalt Park Way Newcastle upon Tyne NE28 9NZ  <a href="mailto:Tracey.best@northumbria-healthcare.nhs.uk">Tracey.best@northumbria-healthcare.nhs.uk</a>
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