

Privacy Notice - Public

What is a privacy notice?

A Privacy Notice is a statement made by the Rotherham Doncaster and South Humber NHS Foundation Trust to our patients, service users, visitors, carers, staff and the public that describes how we collect, use, retain and disclose personal information which we hold. It is sometimes also referred to as a Privacy Statement, Fair Processing Statement or Privacy Policy. This privacy notice is part of our commitment to ensure that we process your personal information/data fairly and lawfully.

Why issue a privacy notice?

Rotherham Doncaster and South Humber NHS Foundation Trust recognises the importance of protecting personal and confidential information in all that we do and takes care to meet its legal and regulatory duties. This notice is one of the ways in which we can demonstrate our commitment to our values and being transparent and open.

Who are we? (Data Controller)

Rotherham Doncaster and South Humber NHS Foundation Trust (RDaSH) operates services in across Rotherham, Doncaster, North Lincolnshire and North-East Lincolnshire.

The Trust delivers services which include mental health, learning disability, and community services, such as district nursing and health visitors.

Our Trust headquarters, Woodfield House, is based on the Tickhill Road Hospital site in Balby, Doncaster.

This notice also explains what rights you have to control how we use your information.

What are we governed by?

The key pieces of legislation/guidance we are governed by are:

- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Human Rights Act 1998 (Article 8)
- Access to Health Records Act 1990
- Freedom of Information Act 2000
- Mental Health Act 1983
- Mental Capacity Act 2005
- Health and Social Care Act 2012, 2015
- National Health Act 2006
- Public Records Act 1958
- Copyright Design and Patents Act 1988

- The Re-Use of Public Sector Information Regulations 2015
- The Environmental Information Regulations 2004
- Computer Misuse Act 1990
- The Common Law Duty of Confidentiality
- The Care Record Guarantee for England
- The Social Care Record Guarantee for England
- International Organisation for Standardisation (ISO) – Information Security Management Standards (ISMS)
- Information Security Management – NHS Code of Practice
- Records Management – Code of Practice for Health and Social Care 2016
- Accessible Information Standards (AIS)

Who are we governed by?

- Department of Health - www.gov.uk/government/organisations/department-of-health
- Information Commissioner's Office – www.ico.org.uk
- Care Quality Commission - www.cqc.org.uk
- NHS England - www.england.nhs.uk/
- NHS Improvement – www.improvement.nhs.uk

Our consultants, doctors, nurses, healthcare professionals and registered support staff are also regulated and governed by professional bodies including numerous royal colleges.

Why and how we collect information

We may ask for or hold personal confidential information about you that will be used to support delivery of appropriate care and treatment. This is to support the provision of high quality care.

These records may include:

- Basic details, such as name, address, date of birth, next of kin.
- Contact we have had, such as appointments and home visits.
- Details and records of treatment and care, including notes and reports about your health
- Results of medical imaging, x-rays, blood tests, etc.
- Information from people who care for you and know you well, such as health professionals and relatives.

It may also include personal sensitive information such as sexuality, race, your religion or beliefs, and whether you have a disability, allergies or health conditions. It is important for us to have a complete picture, as this information assists staff involved in your care to deliver and provide improved care, deliver appropriate treatment and care plans, to meet your needs.

Information is collected in a number of ways, via your healthcare professional, referral details from other health and social care providers or directly given by you.

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 as soon as possible.

How your information helps you and the Trust

Your information can help:

- To inform decisions that we make about your care.
- To ensure that your treatment is safe and effective.
- To work effectively with other organisations who may be involved in your care.
- To support the health of the general public.
- To ensure our services can meet future needs.
- To review care provided to ensure it is of the highest standard possible.
- To train healthcare professionals.
- For research and audit.
- To prepare statistics on NHS performance.
- To monitor how we spend public money.

There is also potential to use your information to deliver care and improve health and care services across the NHS and social care.

Where we need to have your explicit consent we will ask you for it, and you will be properly informed.

This is particularly important where the patient is a child, here you will find that we have provided:

Our lawful basis for processing your information under Data Protection legislation is:

- Public Task: the processing is necessary to perform a task in the public interest, or our official functions, which have a clear basis in law, Article 6 (e) (GDPR/DPA18).
- The processing is necessary for the purpose of preventative or occupational medicine, the assessment of the working capacity of employees, medical diagnosis, the provision of health or social care or treatment or management of health or social care system. Article 9 (2) (h) (GDPR/DPA18).

Your information will also be used to help us manage the NHS and protect the health of the public by being used to:

- Improve individual care.
- Understand more about disease risks and causes.
- Improve diagnosis.
- Develop new treatments and prevent disease.
- Plan services.
- Improve patient safety.
- Evaluate Government, NHS and Social Care policy.

How information is retained and kept safe?

Information is retained in secure electronic and paper records and access is restricted to only those who need to know.

It is important that information is kept safe and secure, to protect your confidentiality. There are a number of ways in which your privacy is protected: by removing your identifying information, using an independent review process, adhering to strict contractual conditions and ensuring strict sharing or processing agreements are in place.

The Data Protection Act 2018/GDPR regulates the processing of personal information. Strict principles govern our use of information and our duty to ensure it is kept safe and secure. Rotherham Doncaster and South Humber NHS Foundation Trust is registered with the Information Commissioner's Office (ICO). Details of our registration can be found on <https://ico.org.uk/esdwebpages/search> Enter our registration number (Z583970) and click 'search register'.

Technology allows us to protect information in a number of ways, in the main by restricting access. Our guiding principle is that we are holding your information in strict confidence.

How do we keep information confidential?

Everyone working for the Trust is subject to the Common Law Duty of Confidentiality and the Data Protection Act 2018 (GDPR May 2018). Information provided in confidence will only be used for the purposes to which you consent to, unless there are other circumstances covered by the law.

Under the NHS Confidentiality Code of Conduct, all staff are required to protect information, inform you of how your information will be used and allow you to decide if and how your information can be shared. This will be noted in your records.

All Trust staff are required to undertake annual training in data protection, confidentiality, IT/cyber security, with additional training for specialist, such as healthcare records, Information Governance and IT staff.

Teaching clinicians - Some medical files are needed to teach student clinicians about rare cases. Without such materials, new doctors and nurses would not be properly prepared to treat you.

Clinical placements - Clinical placements for students commonly take place within the NHS. Students, such as student nurses, medical students, social work students, could be receiving training in the service that is caring for you. This may be when you are an inpatient, in a community setting such as a day hospital, or when you are being visited by health or social care staff at home.

If staff would like a student to be present they will always ask for your permission before that meeting or episode of care. The treatment or care you receive will not be affected if you refuse to have a student present during your episode of care.

Occasionally, for assessment purposes, students may request that their supervisor be present. You may refuse this if it makes you feel uncomfortable.

Who will my information be shared with?

To provide the best care possible, sometimes we will need to share information about you with others. We may share your information with a range of Health and Social Care organisations and regulatory bodies. You may be contacted by any one of these organisations for a specific reason; they will have a duty to tell you why they have contacted you. Information sharing is governed by specific rules and law.

Sharing with non-NHS organisations

For your benefit, we may also need to share information from your records with non-NHS organisations from whom you are also receiving care, such as social services or private healthcare organisations, however, we will not disclose any health information to third parties without your explicit consent unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires the disclosure of information.

We may also be asked to share basic information about you, such as your name and parts of your address, which does not include sensitive information from your health records. Generally, we would only do this to assist them to carry out their statutory duties (such as usages of healthcare services, public health or national audits). In these circumstances, where it is not practical to obtain your explicit consent, we are informing you through this notice, which is referred to as a Privacy Notice, under the Data Protection Act.

Where patient information is shared with other non-NHS organisations, an information sharing agreement is drawn up to ensure information is shared in a way that complies with relevant legislation.

Non-NHS organisations may include, but are not restricted to: social services, education services, local authorities, the police, voluntary sector providers and private sector providers.

Your right to withdraw consent for us to share your personal information

You have the right to refuse/withdraw consent to information sharing at any time. We will fully explain the possible consequences to you, which could include delays in you receiving care.

Contacting us about your information

Can I access my information?

Under the Data Protection Act 2018 (GDPR May 2018) a person may request access to information (with some exemptions) that is held about them by an organisation. Please follow this link for further details of how to access information that the Trust holds on you.
www.rdash.nhs.uk/support-and-advice/information-governance/how-do-i-access-personal-information/

Contacting us if you have a complaint or concern

We try to meet the highest standards when collecting and using personal information. We encourage people to bring concerns to our attention and we take any complaints we receive very seriously.

Should you have any further queries about the uses of your information, please speak to the Trust's Data Protection Officer – Susan Meakin, on 01302 796189

Information on how you can make a complaint can be found by following the link below.

<https://www.rdash.nhs.uk/have-your-say/make-a-complaint/>

If you remain dissatisfied with the Trust's decision following your complaint, you may wish to contact:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk

The Information Commissioner will not normally consider an appeal until you have exhausted your rights of redress and complaint to the Trust.