

# Patient Privacy Notice

In the National Health Service (NHS), we aim to provide you with the highest quality healthcare. To do this we must keep information about you, your health and the care we have provided to you or plan to provide to you. This privacy statement provides a summary of how we use your information.

The Data Protection Act 2018 and United Kingdom General Data Protection Regulation (UK GDPR) controls how your personal information is used by organisations, businesses, or the government. The Data Protection Act 2018 defines West Hertfordshire Hospitals NHS Trust as a 'data controller' of personal information.

We collect information to help us provide and manage healthcare to our patients. West Hertfordshire Hospitals NHS Trust is registered with the Information Commissioner's Office, Certificate Reference number **Z5205111**.

## NHS Login

Please note that if you access our service using your NHS login details, the identity verification services are managed by NHS Digital. NHS Digital is the controller for any personal information you provided to NHS Digital to get an NHS login account and verify your identity and uses that personal information solely for that single purpose. For this personal information, our role is a "processor" only and we must act under the instructions provided by NHS Digital (as the "controller") when verifying your identity.

View [NHS Digital's terms and conditions](#). This restriction does not apply to the personal information you provide to us separately

## 1) What types of personal data do we collect?

To be able to be able to provide you with care and for our other purposes we need to collect information about you. This includes.

- Basic details about you, such as your name, address, date of birth, next of kin and GP details
- Contacts we have had with you, for example clinic visits
- Notes and reports about your health and any treatment and care you need
- Details and records about the treatment and care you receive
- Results of investigations, for example x-rays and laboratory tests
- Relevant information from other health professionals, relatives, or those who care for you and know you well

The trust also records CCTV images for the prevention and detection of crime; this may include body worn video and audio recordings.

## 2) The legal basis for processing your data

When you are a patient of ours, we collect data, including your personal identifiable data, so that we can provide you with treatment and care.

The lawful basis we rely on to process your personal data is article 6(1)(e) of the UK GDPR, which allows us to process personal data when this is necessary for us to perform our statutory tasks, functions, and duties.

Where the data contains special category data, such as health, disability or language preferences, diagnostic images, religious views or ethnicity, the lawful basis we use to process it is

- Article 9(2)(h) of the UK GDPR which also relates to our public task and to provide you with health or social care services.
- Article 9(2)(c) when it is necessary for us to protect you in an emergency such as treating after a road accident, in addition to, and:
- Article 9(2)(i) when it is necessary to protect people or society from risks of serious harm, such as serious communicable diseases.

### **3) What are the purposes for using personal information?**

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.

Your information may also be used for other purposes such as to help us:

- Ensure the hospital receives payment for the care you receive.
- Report and investigate complaints, legal claims or untoward incidents.
- Make sure our services can meet patient needs in the future.
- Review current standards of hospital patient care following or during your treatment, or consultation against accepted best practice.
- Help train and educate healthcare professionals
- Report events to the appropriate authorities when we are required to do so by law.
- Assess your condition against a set of risk criteria to ensure you are receiving the best possible care.
- Prepare statistics on our performance for the Department of Health and other regulatory bodies.
- Use statistical information to look after the health and wellbeing of the general public and planning services to meet the needs of the population.
- Undertake health research and development (with your consent – you may choose whether or not to be involved)

Nationally there are strict controls on how your information is used for these purposes. These control whether your information must be anonymised 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 following websites:

- [NHS England](#)
- [NHS Digital](#)

#### 4) Who are our partner organisations?

The principal partner organisations that we may share information with are:

- Health authorities
- NHS trusts
- General practitioners and dentists
- Ambulance services
- Voluntary services
- Social services
- Health research and development organisations [with your consent, and you may choose whether to be involved].
- Hospital and Community Navigation Service [Hospital and Community Navigation Service \(hertshelp.net\)](#) – If you are discharged as an inpatient and 65 years old or over, you will be automatically referred to the service for health and social care purposes.
- Non-NHS health providers that act as ‘data processors’ and with whom we have an established Information Sharing Agreement (ISA) from whom you are receiving direct care, such as private healthcare organisations.

West Hertfordshire Teaching Hospitals NHS Trust is part of My Care Record, an approach to improving care by joining up health and care information. Health and care professionals from other services will be able to view information from the records we hold about you when it is needed for your care.

Please see [My Care Record website](#) for more information.

#### 5) When other people need information about you

When possible, we will always seek your permission to share information with organisations for purposes other than direct care. However, we are required by law to report certain information to the appropriate authorities without your permission if:

- It is in the public interest – for example, there is a risk of death or serious harm.
- There is a legal need to share it – for example, to protect a child under the Children Act 1989.
- Where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS).
- Notification of new births.
- A court order tells us that we must share.
- There is a legitimate enquiry from the police for information related to a serious crime.

## **6) How we keep your records confidential**

Everyone working for the NHS has a legal duty to keep information about you confidential. If you are receiving care from other people as well as the NHS (like Social Services), we may need to share some information about you so we can all work together for your benefit.

We will only ever use or pass on information about you if others involved in your care have a genuine need. We will not disclose your information to third parties without your permission, unless there are exceptional circumstances, such as when the health or safety of others is at risk, or where the law requires information to be passed on. Anyone who received information from us is also under a legal duty to keep it confidential.

## **7) How long are health records retained?**

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

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

View the [NHS England Records Management Code of Practice](#)

## **8) Security of information**

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

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. All Trust staff undertake annual training in data protection, confidentiality and information security, including cyber security.

## **9) Your rights**

You have rights regarding your information, these rights vary depending on our reason for using use personal information. Your data protection rights are:

- Your right of access - You have the right to ask us for copies of your personal information.

- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. You can make a request by contacting us using the contact details below.

### 13) National Data opt-out

The [national data opt-out](#) was introduced on 25 May 2018, enabling patients to opt out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her [review of data security, consent and opt-outs](#).

Patients can view or change their national data opt-out choice at any time by using the [NHS online service](#) or by clicking on "Your Health" in the NHS App, and selecting "Choose if data from your health records is shared for research and planning".

Health and care organisations have until 31<sup>st</sup> March 2022 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care.

Our organisation is compliant with the national data opt-out policy.

### 14) 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. You can submit a complaint through our complaints procedure, which is available on our website, or you can write to:

The Complaints Department  
Watford General Hospital  
Vicarage Road  
Watford  
Hertfordshire  
WD18 0HB

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

View the [Information Commissioner's Office website](#)

Should you have any further queries on the uses of your information, please speak to your Health Professional or our Data Protection Officer who can be contacted on the email address: [westherts.infogov@nhs.net](mailto:westherts.infogov@nhs.net)