



Privacy Notice - Patient and Corporate Records

1. What is a privacy notice?

A privacy notice is a statement by the Trust to patients, service users, visitors, carers, the public and staff 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 personal information/data fairly and lawfully.

Separate privacy notices for employees and Occupational Health information are published on the Trust website.

2. Why issue a privacy notice?

Bradford Teaching Hospitals 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.

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

3. Security of Information

Bradford Teaching Hospitals NHS Foundation Trust is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service.

Bradford Teaching Hospitals NHS Foundation Trust collects, stores and uses large amounts of personal and sensitive personal data every day, such as medical records, personal records and computerised information. Collecting this information helps to ensure you get the best possible care and treatment.

This data is used by many people in the course of their work and is not normally processed, transmitted or stored outside of the UK.

It may sometimes be necessary to transfer personal information overseas. When this is needed information is only shared within the European Economic Area (EEA) unless additional safeguards have been put in place to protect your information.

Any transfers made will be in full compliance with all aspects of the Data Protection legislation.

We take our duty to protect personal information and confidentiality very seriously. We are committed to complying 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 who is accountable for the management of all information assets i.e. computer systems and any associated risks and incidents, and a Caldicott Guardian who is responsible for the management of patient information and patient confidentiality.

The Trust also has a Data Protection Officer who assists the organisation by providing independent specialist advice on data protection obligations and impact assessments as well as the primary contact for data subjects.

4. Legal basis for processing personal data

The General Data Protection Regulation (GDPR) 2018 and the Data Protection Act (2018) requires the Trust to process:

Sensitive personal data (Health Records) under 9(2)(h) – *“Necessary for the reasons of preventative or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”* and occasionally 9(2)(c) *“when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent”*

Personal data under 6(1)(e) *“Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust (Data Controller)”* and occasionally 6(1)(d) *“ when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent”*

5. What types of personal data do we process?

All clinicians and health and social care professionals caring for patients keep records about the patients' health and any treatment and care being provided. These records help to ensure that patients receive the best possible care.

They may be paper or electronic and may include:

- Basic details such as name, address, email address, NHS number, date of birth, next of kin, etc.
- Contacts with the Trust i.e. appointments or clinic visits
- Notes and reports about patients 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 provide care and support to the patient outside of the hospital i.e. health care professionals and relatives.

It is vital that any contact details are accurate and up to date. When you visit or contact the hospital always check with Trust staff that your personal details are correctly recorded on our computer systems and inform us of any changes to your details or GP Practice as soon as possible. This minimises the risk of you not receiving important correspondence such as follow up appointment letters.

The Trust also collects and manages specific records in order to comply with its legal obligations as a Foundation Trust. This includes a database of all 'members' and the publication of limited documents i.e. declaration of interests and registers of hospitality received.

We also collect and retain information on staff including clinical, non-clinical and volunteers with the details on what is recorded and how it is managed stated in separate privacy notices on Human Resources and Occupational Health. These are published on the Trust website.

6. What is the purpose of processing data?

The Trust collects and uses personal information to manage and deliver the care being provided to ensure that:

- The doctors, nurses and other health or social care professionals involved in patient care have accurate and up to date information to assess the patients' health and decide on the most appropriate care to be provided;
- Health or social care professionals have the information they need to be able to assess and improve the quality and type of care being given;
- Any concerns can be properly investigated if a complaint is raised;
- Appropriate information is available if the patient sees another clinician or is referred to a specialist or another part of the NHS or social care.

There are a number of national directives and standard that is in place to ensure that patient records are complete, accurate, in date, secure, shared appropriately and not retained for longer than necessary.

These include (but are not limited to):

6.1 The Care Record

The Care Record is a shared system that allows health or social care professionals within the Bradford Health and Social Care community to appropriately access the most up-to-date and accurate information about patients to deliver the best possible care.

6.2 The NHS Care Record Guarantee

The Care Record Guarantee is Trust commitment that we will use records in ways that respect patients' rights and promote health and wellbeing. Copies of the full document can be obtained from:

https://digital.nhs.uk/media/329/Care-Record-Guarantee/pdf/Care_Record_Guarantee

6.3 The Records Management Code of Practice

The Records Management Code of Practice for Health and Social Care 2016 is a guide for the NHS to use in relation to the practice of managing records. It is relevant to organisations who work within, or under contract to NHS organisations in England. This also includes public health functions in Local Authorities and Adult Social Care where there is joint care provided within the NHS.

The Code is based on current legal requirements and professional best practice.

<https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care>

Everyone working within the NHS has a legal duty to keep information about patients and staff confidential. Similarly, anyone who receives information from the Trust including any third parties also has a legal duty to keep it confidential.

Patient records are generally destroyed in accordance with the NHS Records Retention Schedule, which sets out the appropriate length of time each type of NHS records is 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. A limited number of records may be retained for exceptional reasons i.e. where there is a legal obligation.

Staff and corporate records are managed also under NHS Records Retention Schedule.

7. Sharing your information

The Trust shares information about patients with others directly involved in patient care and for limited indirect care purposes:

7.1 Direct Care Purposes

- Other NHS Trusts and hospitals that are involved in your care;
- General Practitioners (GPs);
- Ambulance Services;
- NHS Digital and other NHS bodies.

Where patients are receiving care from other people as well as the NHS, for example Social Care Services the Trust may need to share some information with them so they can all work together for the patients benefit. The information will only be shared if there is a genuine need or if the patient's permission has been given.

The Trust may also share patient information, subject to strict agreement about how it will be used with:

- Local Authorities;
- Social Care Services;
- Education Services;
- Voluntary and private sector providers working with the NHS.

The Trust will not disclose patient or staff information to any other third parties without 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 information.

7.2 Indirect Care Purposes:

The Trust also uses information we hold to:

- Review the care provided 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 being given;
- Prepare statistics regarding NHS performance;
- Audit NHS accounts and services;
- Undertake health research and development (with patient consent – the patient has the right to choose whether or not to be involved);
- Help train and educate healthcare professionals.

There are very strict national controls on how personal information is used for these purposes. These control who and why the Trust shares information and if the information has to be anonymised first.

8. When other people need information about you

Everyone working in Health and Social Care has a legal duty to keep personal and clinical information confidential and anyone who receives information from the Trust is also under a legal duty to keep it confidential.

From time to time the Trust may need to share information with other professionals and services. This may be for instance, when a healthcare professional needs to discuss a patient's case with other professionals (who do not work for the Trust) in order to plan care.

The Trust does this in order to provide the most appropriate treatment and support for the patient and any carers, or when the welfare of other people is involved. The Trust will only share information in this way if where permission has been given and when it is considered necessary.

There may be other circumstances when the Trust must share information with other agencies. In these rare circumstances we are not required to seek consent.

Examples of this are:

- If there is a concern that a patient or staff member is putting themselves at risk of serious harm;
- If there is a concern that a patient or staff member is putting another person at risk of serious harm;
- If there is a concern that anyone is putting a child at risk of harm;
- If the Trust has been instructed to do so by a Court;
- If the information is essential for the investigation of a serious crime;
- If a patient is subject to the Mental Health Act (1983), there are circumstances in which the 'nearest relative' must receive information even if the patient objects;

- If any information falls within a category that needs to be notified for public health or other legal reasons, e.g. certain infectious diseases.

Other ways in which the Trust uses information

8.1 Call recording

Telephone calls to the Trust may be routinely recorded for the following purposes:

- To make sure that staff act in compliance with Trust procedures;
- To ensure quality control;
- Training, monitoring and service improvement;
- To prevent crime, misuse and to protect staff.

8.2. Surveillance Cameras

The Trust employs 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.

9. Prevention and Detection of Crime and Fraud

We may use the information we hold about to detect and prevent crime or fraud. We may also share this information with other bodies that inspect and manage public funds.

We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation.

10. Data Subject rights

Data Protection laws give individuals rights in respect of the personal information that we hold.

Anyone including patients, staff, visitors or contractors who has personal information recorded by the Trust either directly or indirectly has specific rights under current and future legislation, and for some, in certain circumstances. These include:

10.1 Under the Data Protection Act - 6th Principle:

- a right of access to a copy of their personal data;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to object to decisions being taken by automated means;
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to claim compensation for damages caused by a breach of the Act.

10.2 Under the General Data Protection Regulation (GDPR):

- A right to confirmation that their personal data is being processed and access to a copy of that data which in most cases will be free of charge and will be available within one month (which can be extended to two months in some circumstances);
- Who that data has or will be disclosed to;
- The period of time the data will be stored for;
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed. The right to be forgotten and erasure of data does not apply to an individual's health record or for public health purposes;
- Data Portability – data provided electronically in a commonly used format;
- The right to lodge a complaint with a supervising authority.

11. Your right to object

Patients and staff have the right to restrict how and with whom the Trust shares information in records that identifies them i.e. you can give your consent or you can withdraw your consent to share this information.

If you object to us sharing your information (you do not give consent or you withdraw consent) we will record this explicitly within your records so that all healthcare professionals and staff involved with your care are aware of your decision.

Please note that if you choose not to allow us to share your information with other health or social care professionals involved with your care it may make the provision of treatment or care more difficult or unavailable.

Please discuss any concerns with the clinician treating you so that you are aware of any potential impact. You can also change your mind at any time about a disclosure decision.

There are occasions when the Trust is obliged to share information i.e. for certain health research requirements. These occasions are restricted and subject to strenuous, independent assessments from Health Research Authority Confidential Advisory Group (HRA CAG) under Section 251 of the NHS Act 2006. In these cases you have the right to register your objection to sharing the information, and the Trust is obliged to respect that objection.

In instances where the legal basis for sharing information relies on a statutory duty/power, then you cannot refuse or withdraw consent for the disclosure.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

The National Data Opt Out

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research);
and

<https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Further details of these purposes (which are also known as secondary uses) can be found on the NHS England and NHS Digital's websites:

www.england.nhs.uk

www.digital.nhs.uk

Health and care organisations have until 2020 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.

12. SMS Text messaging

When attending the Trust for an appointment, a procedure or via the Emergency Department you may be asked to confirm that the Trust has an accurate contact number and mobile telephone number for you. You will also be asked to give your consent to be contacted using the mobile phone number via Short Message Service (SMS) texts.

These texts can provide appointment details or seek your views on the services that were provided to you which then help the Trust to identify where improvements can be made. The texts will not contain any confidential or identifiable information.

13. How you can access your records

Data Protection legislation gives you a right to access the information we hold about you. Requests must be made in writing to the Access to Records Department. The Trust will provide your information to you within approximately 20 full working days (this can be extended dependent on the complexity of the request) from receipt of your application.

The Access to Records Service
St Luke's Hospital
Little Horton Lane
Bradford
BD5 0NA

Tel 01274 365883 or 01274 365813
Fax 01274 383746

Email ATHR.office@bthft.nhs.uk

Website: <https://www.bradfordhospitals.nhs.uk/freedom-of-information/>

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 sufficient information to identify you and assist the Trust in finding the images on our systems.

Security Manager
Estates and Facilities Division
Bradford Royal Infirmary
Duckworth Lane
BRADFORD BD9 6RJ
Tel: 01274 364093

The Trust reserves the right to withhold information where permissible under Data Protection Regulations and 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.

14. Data Controller

The Data Controller responsible for keeping your information confidential is:

Bradford Teaching Hospitals NHS Foundation
Trust Headquarters
Bradford Royal Infirmary
Duckworth Lane
Bradford
West Yorkshire
BD9 6RJ
Main Switchboard: 01274 542200

The Trust's Information Commissioner's Office registration number is Z4838586

15. Raising a Concern

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, in the first instance contact the Patient Advice & Liaison Service (PALS).

Tel: 01274 364810 (Monday to Friday 9am – 4pm). Messages can be left on the answering machine and will be answered within two working days.

Email: Patient.experience@bthft.nhs.uk

In person: by making an appointment on **01274 364810**.

You can, if you so wish also contact the Trust Data Protection Officer (DPO) on dataprotectionofficer@bthft.nhs.uk or the Information Governance team on Information.Governance@bthft.nhs.uk

If you have any concerns about how we handle your information you also have a right to complain to the Information Commissioners Office about it.

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, SK9 5AF
Telephone: 08456 306060
Website: www.ico.gov.uk

16. Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by the Bradford Hospitals NHS Foundation Trust, subject to a number of exemptions. If you would like to request some information from us, please visit the Freedom of information section of our website <https://www.bradfordhospitals.nhs.uk/freedom-of-information/>

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".