



How Your Information Is Used
Fair Processing Notice

In order to help you understand how your personal information is collected and used, we have developed a series of Fair Processing, or Privacy Notices.

The Notices are in 3 tiers, based on their intended audience and level of detail.

- Tier 1 - single, detailed notice of information rights and the Trust's general data protection activities and compliance
- Tier 2 - Departmental specific notices with information relevant to that activity only. All patients will receive at least a Tier 2
- Tier 3 - Project specific, or non-core activities. Likely to apply to a small, or clearly defined group of patients

This document is the Tier 1 Notice. Please refer to this for definition of terms and general uses of information.

Who are we?

Southport and Ormskirk Hospital NHS Trust ('the Trust') is registered to collect and process personal information. For this responsibility, the Trust is known as a 'Data Controller'.

The Trust provides healthcare in hospital and the community to 258,000 people across Southport, Formby and West Lancashire. Acute care is provided at Southport and Formby District General Hospital and Ormskirk and District General Hospital. This includes adults' and children's accident and emergency services, intensive care and a range of medical and surgical specialities. Women's and children's services, including maternity, are provided at Ormskirk hospital. The North West Regional Spinal Injuries Centre at Southport hospital provides specialist care for spinal patients from across the North West, North Wales and the Isle of Man. The Trust also provides sexual health services for the Metropolitan Borough of Sefton.

To safeguard your information and support your rights, the Trust has appointed a Data Protection Officer ('DPO') as your single point of access. The DPO can be contacted on:

Data Protection Officer
Southport District General Hospital
Town Lane Kew
Southport
PR8 6PN

01704 704868
Soh-tr.infogov@nhs.net

Why do we collect your information?

The Trust collects information primarily to provide medical services, in accordance with its obligations under the NHS Act 2006 and Health and Social Care Act 2012.

Information collected for medical purposes includes:

- Preventative medicine
- Medical diagnosis
- Medical research
- Provision of care and treatment
- Management of healthcare services

This information is collected so that your clinical team has accurate and up-to-date information on which to base your treatment options.

Under Data Protection, the Trust must provide the legal basis in which we process information. For medical services purposes, the processing is:

- necessary for the purposes of legitimate interests pursued by the data controller (schedule 2 (6) (1)), and
- for medical purposes and is undertaken by a health professional, or a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional (schedule 3 (8) (1)).

The Trust also collects information to provide secondary (non-core) services, such as maintenance of facilities including the car park, fundraising and marketing.

If your information will be used for any secondary service you will notified of these. Under the Data Protection Act, generally the processing is:

- necessary for the purposes of legitimate interests pursued by the data controller (schedule 2 (6) (1)),

where the legitimate interests are in supporting the running of the day-to-day operations of the organisation.

What information we collect and record?

To ensure we can provide you with the best possible care, the Trust will collect the following categories of information from you, or record the information about you:

| Category | Example |
|--|---|
| Identifiers | Name, Date of Birth, NHS Number. |
| Contact information | Address, Telephone number. |
| Relatives / Next of Kin | Name, Contact details for next of kin. |
| Physical or mental health or condition | Medical history, treatments, test results, episodes of care, referrals and professional opinions. This is the core information that the Trust will hold about you. |
| Nationality / Domicile | Required to ensure that patients are ordinarily entitled to NHS health care. |
| Ethnicity | Required for equality monitoring and ensuring that the Trust services are suitable for the local population. |

| | |
|-------------------|---|
| Religious beliefs | Required for spiritual support and where relevant to treatment options. |
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This list is not exhaustive but indicative of the information recorded

Where do we receive information about you from?

Most of the information the Trust collects about you is received directly from you. This will include ensuring that your name, address, telephone number and next of kin, for example, are accurate and up-to-date.

The Trust will however receive information from other healthcare providers about you. This typically will be from a referral. For example when you see your GP, if they decide you need an appointment with the Trust, your GP will provide the Trust with your identifiers, contact details, summary of your current complaint and any relevant medical history. If you have been treated at another Hospital and referred to the Trust, the same information would be provided to the Trust.

What if you do not provide information to us?

If information you provide the Trust is inaccurate or incomplete, this could significantly affect the medical care you receive and adversely affect your health.

If any of the information recorded about you is incorrect, please inform your health care team at the earliest opportunity.

Who we share information with?

Access to information is restricted to those with a need-to-know.

Within the Trust, your information may be shared with the following when there is a medical need:

- Doctors, nurses and therapists directly caring for you
- Health care assistants and therapy assistants, supporting your direct care and part of your care team
- Pharmacists, radiologists and other clinical support services
- Secretaries, receptionists and other clerical support teams, who require access to carry out administrative tasks, such as booking appointments, typing letters or managing services

Where there is a need, your information may also be shared with the following teams:

- Safeguarding
- Risk Management

This list is not exhaustive but indicative of the information recorded

Where necessary, the Trust may also share your information with:

- Other healthcare staff if a referral is made to another organisation.
- Your GP, to keep them informed about your care
- NHS regulators and professional bodies such as the NMC, GMC and CQC – this is to investigate concerns and ensure care quality

Where there is a need, your information may also be shared with the following:

- Social services
- Police
- Other bodies as required by law

You will be informed of information sharing wherever possible.

International Transfers

The Trust does not routinely transfer your information outside of the European Economic Area (EEA). This ensures that your data protection rights are protected through laws standardised across the Area. If a need does arise, the Trust will seek your consent to transfer information outside of the EEA, or you will be otherwise told how your information is protected.

How long do we keep your information?

All of your information is kept in accordance with the Records Management Code of Practice for Health and Social Care 2016. This is available from - <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

In general terms, medical information is retained for 8 years after treatment; or for children until they reach 25years old. There are however exceptions to this.

What rights do you have?

You have a number of rights under Data Protection; many of these formally come into force from May 2018 but the Trust will endeavour to respect these in advance of that date.

In short your rights are:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to object
- Right to restrict processing
- Right to data portability

Right to be informed

You have a right to be informed about uses of your information with an emphasis on transparency. This notice, in support of other privacy notices published by the Trust ensures that your right to be informed is achieved.

Right of access

You have a right to receive:

- Confirmation of what information is recorded about you
- Confirmation of how your information is used
- Access to your information

You will be required to provide proof of identification and may be asked to specify exactly what information you require.

In order to exercise your right of access, please submit an Access to Health Records Application form available from the Trust website, or contact the Data Protection Officer.

Right to rectification

Rectification refers to correcting inaccuracies or incomplete data which is held by the Trust. This applies to factual information only – such as identifiers and next of kin. The Trust is unable to remove or alter professional opinions which you may disagree with. You do however have the right to include your own statements alongside professional opinions.

To rectify your information please contact your clinical team or the Access Office.

If you disagree with a professional opinion and wish to add your own statements, please contact the Data Protection Officer.

Right to erasure

In some circumstances you can request that your information is deleted.

This right will apply if the processing has been undertaken on the basis of consent which is withdrawn, the processing of data is determined not to be lawful or the information is no longer required. You will be informed of activities to which this right applies.

There are exceptions to this right.

Generally, the Trust is legally required to maintain your records in accordance with the retention guide referenced above.

Right to object

There is no general right to object to processing, however you can object if the information is used for:

- Marketing
- Scientific or historical research
- Statistical purposes
- Purposes in the public interest or under an official authority (e.g. NHS Act 2006)

To object to processing, please contact the Data Protection Officer.

Right to restrict processing

The right to restrict processing means that if you have disputed the accuracy of information, objected to its use or require data due for destruction to be maintained for a legal claim, you can have the data stored by the Trust but no other uses are then permitted until the dispute is settled.

To request restriction to processing, please contact the Data Protection Officer.

Right to data portability

The right to data portability is unlikely to apply to information held by the Trust; however you will be informed when the right does apply.

The Trust will cooperate with other health care providers and transfer your information, where appropriate, if you are being treated by other organisations.

Is there any automated processing of your information?

Automated decision making is the use of computer systems or definitions to apply rules to data in order to determine an outcome – credit ratings are an example of automated decision making.

The Trust does not use automated decision making as all decisions have human intervention.

Consent & Withdrawal of consent

To use your information for direct health care purposes the Trust does not require your consent. This is because consent may not be possible in many circumstances and the Trust has a legal duty to provide care.

Activities which are optional will typically be conducted with consent. For example, the Trust can send text message appointment reminders. You will be asked whether you consent to receive these messages.

Any activity which you consent for, you will have the option of withdrawing that consent at any time.

This does not affect the consent process for operations and treatments.

How can you complain?

General enquiries about how your information is used, or for further Fair Processing Notices, please contact the Data Protection Officer on 01704 704868 or soh-tr.infogov@nhs.net.

If you wish to register a complaint about your information, you can write to:

Postal address: Information Governance, Southport District General Hospital, Town Lane, Kew, Southport, PR8 6PN

Email address: soh-tr.infogov@nhs.net

This address should not be used for clinical or general complaints about the Trust

The Information Commissioner's Office is the UK's independent body set up to uphold information rights. Further information about their work and the legislation they cover is available from www.ico.org.uk or by contacting them on the helpdesk number 0303 123 1113.

If you are dissatisfied with the Trust's resolution to your information complaint, you can appeal to the Information Commissioner's Office.

General Data Protection Regulation

The General Data Protection Regulation (GDPR) is the most significant change to data protection law in a generation. As well as increasing the security and accountability of organisations, it increases the rights of individuals on how their information is used.

GDPR does not however change the underlying principles of the Data Protection Act. The changes which are likely to affect you are summarised below.

Under GDPR, the lawful purpose for processing activities of medical purposes will be that the 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, and
- the purpose of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems.

Any processing which relies on consent will be based on explicit consent under GDPR. You will be asked to make a definite decision; there will be no presumption of consent from silence, inaction or pre-selected choices.

Definition of Terms

- Data Controller** The organisation which determines the processing of Personal Data.
The Data Controller is the legally responsible organisation.
- Data Processor** An organisation which the Data Controller appoints to provide a service on its behalf. The Data Processor must follow the legal instruction of the Controller.
- Data Subject** The individual who personal data is about.
The individual must be identifiable from the data.
- Data Protection Officer** The person appointed by the Data Controller as the single point of contact for data protection enquiries.
The Data Protection Officer acts independently and monitors compliance with data protection obligations
- Data Processing** The activities which relate to Personal Data.
Data Processing includes:
- Obtaining, recording or holding the information
 - Organisation, adaption or alteration
 - Retrieval, consultation or use
 - Disclosure by transmission, dissemination or otherwise making available
 - Alignment, combination, blocking, erasure or destruction of the information or data;
- Information Commissioner's Office** The regulator of information rights in the United Kingdom. The ICO website is - <https://ico.org.uk/>
- Personal Data** Data which relates to an individual and enables them to be identified

Patient FPN Tier One Revision History

| Date | Author | Change |
|----------|--------|--|
| 01/01/18 | IJG | Revised format and inclusion of GDPR extended subject rights |
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