**Medway NHS Foundation Trust – who are we and what we do?**Medway NHS Foundation Trust (the Trust) are a regional hospital providing health care.

We collect information about you in order to provide you with that care that you need.

We aim to keep full and accurate healthcare records and allow access to your information only to those that need it.

**What is a Privacy Notice?**

This Privacy Notice explains how we use and manage the information we hold about you.

This includes how your information (‘personal data’) may be shared with other NHS organisations and non-NHS organisations, and how your information is kept private.

We have updated this privacy notice to include:

 - how you can opt out of your data being used in certain situations, for example for quality improvement (National Data Opt Out)

- how we collect and hold information on our new website platform

**Why have we provided you with a Privacy Notice?**The Trust is committed to being open about the personal data we collect about you, how we use it, with whom we share it with, and how we store and secure it.

Personal data means any information about a living individual who can be identified from that information, for example name, date of birth, NHS number. This may also include sensitive data, such as information about:

* Your health (including mental health)
* Genetic data and biometric data where processed to uniquely identify an individual
* Your sex life or sexual orientation
* Racial or ethnic origin
* Political opinions
* Religious or philosophical beliefs
* Trade union membership

All personal data that we collect and use is handled in accordance with the common law duty of confidentiality, the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018. We act as a Data Controller for the purpose of providing and managing health care for our patients and for the employment of our staff. We are registered with the Information Commissioner’s Office (ICO); our registration number is Z5002033.

## What information do we collect?

The information we store and use (process) about you can include:

* facts about you e.g. name, address, date of birth, nationality, gender and NHS number
* equality and diversity information about you - this may include sensitive personal data
* information about carers, for example your parent(s) or guardian(s)
* notes and reports relevant to your health, including any information you have told us
* details of your treatment and care
* results of tests such as x-rays
* information from health and social care workers and others who provide you with care
* communications, for example letters and emails between the Trust and you

This information may be stored manually in a paper record form (i.e. your medical notes) or electronically on a computer system. When you arrive for an appointment, staff may check your details with you and your carer/guardian/parent to ensure that our records are correct.

## Patients under the age of 16 years - how we use your personal dataIf you are aged 16 or under, please get your parent/carer’s/guardian’s permission beforehand whenever you provide personal information to the Trust website. Users without this consent are not allowed to provide us with personal information. This does not mean we cannot collect your information for direct patient care if you come into the hospital on your own.

We may use your personal data to:

* provide you with health or social care
* help other organisations provide you with health or social care
* if you agree, to help other organisations provide you with other public services
* communicate with you and, if appropriate, your carer/guardian/parent, about your care
* carry out internal audits and monitor the care we provide to ensure it is best practice
* monitor equality and diversity
* we may use anonymised or pseudonymised data to help train and educate our staff.
* respond to complaints
* respond to queries from our regulators such NHS England, the Care Quality Commission, the General Medical Council, the Audit Commission, the Nursing & Midwifery Council and the Health Service Ombudsman
* conduct legal claims or seek legal advice
* provide information to national registries that systematically collect data about particular conditions to help research which is only undertaken when consent is provided.

The Trust has CCTV deployed around the site to manage and investigate the following circumstances:

• alleged security incidents, theft, assault or baby abduction on Trust premises

• staff, visitor and patient safety

• investigation of traffic incidents or congestion on the Trust site

• supporting the management of a fire or major incident alert

• the security of Trust premises

• investigation of persons acting suspiciously on Trust premises.

CCTV images are retained for 28 days only.

Images are only viewed by Trust staff, but images may be shared with the police to help keep people safe.

Body-worn cameras

Traffic enforcement officers and security staff wear body-worn cameras – they record both sound and images. Before cameras are turned on, staff will say they will turn on their camera.

The recordings are kept for 28 days and help with security incidents; patient, visitor and staff safety; traffic and parking; and the investigation of persons acting suspiciously on the Trust’s premises.

Lone-worker protection solutions

The Trust wants to keep its staff safe. Staff attending your home or working alone on at the Trust can relay live conversation and their GPS location to the Reliance Customer Support Team to keep them safe.

We may also use your personal data for tasks that help us deliver NHS care better.

If you are over 13 years old, you can register yourself to opt-out of your personal information being used for the purposes listed below please visit <https://www.nhs.uk/your-nhs-data-matters/>.

For under 13 year olds, those with parental authority can register you to opt-out.

* Assess and plan the way services are delivered and paid for now and in the future
* Identify whether you are at risk from ill-health or may benefit from particular treatments
* Medical research audits carried out by external organisations, including audits that cover quality of care and financial management

You can change your mind about your choice at any time. We can only use your personal data if we meet at least one of the conditions set out in the UK General Data Protection Regulations (UK GDPR) legislation. The table at the end of this notice details the conditions we rely on when processing personal data.

In all cases we will only process or share the smallest amount of personal data that is required. Where possible personal information will be anonymised, so that others are not able to tell that it is your information.

## Sharing your information

*Sharing your information to provide you with care*

As part of providing you with care we may need to share your information.

This includes sharing information with:

* your GP, and out of hours care providers
* NHS hospitals including but not limited to Maidstone and Tunbridge Wells, Kings College Hospital and Guys & St Thomas’
* NHS Organisations that deliver Community services including but not limited to Medway Community Healthcare and Kent and Medway NHS and Social Care Partnership Trust, our mental health provider
* Private sector organisations that deliver NHS care such as private hospitals, dentists, opticians, pharmacists and other providers that provide community care in Swale and Sheppey community hospitals
* Voluntary sector organisations that deliver NHS care e.g. charities such as Wisdom Hospice and Demelza
* local authorities when social workers are part of the Care Team, or education services, children’s services, housing or benefit offices
* organisations that provide diagnostic tests
* organisations that provide ambulance services e.g. NHS Ambulance Trusts

With your agreement, information can be shared with relatives, partners or friends who act as a carer for you. You can find out more about this by emailing our Data Protection Officer on medwayft.dpo@nhs.net.

For information on data sharing with individuals acting as a carer for patients, please see our separate Privacy Notice – for Carers.

The Trust is one of the partner organisations to the Kent and Medway Care Record (KMCR).

This is an electronic care record which links your health and social care information held at the Trust, and your health and social care information held at other providers, into one platform. KMCR allows health and social care professionals who have signed up to the platform to access the most up to date information. This helps to ensure you receive the best possible care and support. In order to enable this sharing of information, organisations who use the KMCR have agreements in place that allow the sharing of personal and special category data. For further information about the Kent and Medway Care Record and the ways in which your data is used for this system please click [here](https://www.kmhealthandcare.uk/your-health/kent-and-medway-care-record).

We may also need to share your information with organisations that provide back office support to the Trust in its delivery of services. These organisations are known as data processors. These organisations are only able to use your personal data in accordance with the Trust’s instructions:

* IT and telecommunication suppliers
* Storage providers
* Suppliers of web hosting services
* Suppliers that we use to develop and improve the technology we use, including our website and electronic patient records

*Sharing your information for other purposes*

Usually we will not share information about you and your health with other organisations unless they are involved in your care or you have agreed to the data sharing. However, there are some limited circumstances where we may share information with other organisations who are not directly involved in your care. For example:

* where there is a risk of serious harm to you or other people
* where a serious crime, e.g.an assault is being investigated or if in certain circumstances it could be prevented
* to control serious infectious diseases e.g. meningitis, tuberculosis (TB), measles
* notification of a birth or death
* where the courts have made a formal court order
* where there is a legal requirement e.g.
- a road traffic offence has been committed
- with local authorities and particularly Medway Council under the Child Protection-Information Sharing (CPIS) scheme to protect the safety and well-being of vulnerable and looked-after children;
- under section 251 of the NHS Act 2006 to support essential medical research where it is not possible to use anonymised information and where obtaining consent is not practical. We may only share information under section 251 with bodies that are approved to receive such information. 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) - to produce anonymised statistics

The organisations we may share information with in these situations include:

* Organisations with public health responsibilities, such as local councils
* Other emergency services such as police, fire and rescue services
* NHS regulators such as NHS England, the Care Quality Commission, the General Medical Council, the Audit Commission and the Health Service Ombudsman, so that we can respond to queries they raise with us
* NHS England and our Integrated Care Board (ICB) for the purposes of gathering information about the delivery of NHS services this includes the use of Secondary Uses Service (SUS) which is the single, comprehensive repository for healthcare data in England which enables a range of reporting and analyses to support the NHS in the delivery of healthcare services
* Our professional advisors, including lawyers and accountants

**How long will you keep personal data about me for?**

We keep your personal information for specified periods of time as set out in the NHS Records Management Code of Practice for Health and Social Care and other government guidance. All our records are restricted so that only those individuals who have a need to know the information can get access. This might be through the use of technology or other environmental safeguards.

**Will you transfer my data outside of the EEA?**

The Trust (or third parties acting on our behalf) may store or process information that we collect about you in countries outside the EEA. Where we make a transfer of your personal information outside of the EEA we will take the required steps to ensure that your personal data is protected to the standard required by UK law.

**What rights do I have?**

Under UK data protection law, you have individual rights about the personal data that we hold and process about you. The Trust as Data Controller must determine the specific legal basis under which we will process your personal data, and the individual rights you have are linked to the legal basis the Trust has relied on. Not all individual rights apply for all legal bases.

**The right to be informed**
The Trust has a duty to let you know how we are using your information.

**The right of access**
For guidance on how to access your own records please click [here](https://www.medway.nhs.uk/patients-and-public/access-to-information/subject-access-requests/). For guidance on how to access records of a child or young person please click [here](https://www.medway.nhs.uk/patients-and-public/access-to-information/subject-access-requests/Request%20for%20Medical%20Records%20for%20Children%20and%20Young%20People.htm). For guidance on how to make a request for the records of deceased individuals please click [here](https://www.medway.nhs.uk/patients-and-public/access-to-information/subject-access-requests/Making%20a%20request%20for%20the%20deceased.htm).

**The right to rectification**
You have the right to request that personal data about you that is factually incorrect be amended or supplemented with additional information.

**The right to erasure**
The majority of the time it will not be possible to erase your medical details as we would need it for on-going care and legal reasons

**The right to restriction of processing**
You have the right to request that the processing of your personal data is **restricted**. In some circumstances we will be able to comply with such a request. However, we would not be able to “pause” to restrict processing of data if it is necessary to keep your data for the Trust to perform health tasks or establish, exercise, and defend legal claims.

**The right to data portability**
You have the right to request data portability. Where this right applies the Trust must provide you or another with a copy of your personal data in machine-readable format.

**The right to object**
You have the right to **object** to us holding your personal data. This right is not absolute, and relies on your giving the Trust specific reasons as to why you are objecting to the Trust processing your data. The Trust will be able to continue processing your data if we can demonstrate legitimate grounds to continue processing your data that outweigh your interests, rights, and freedoms, but we must tell you and explain our decision.

**Rights in relation to automated decision making and profiling**
You have the right not be subject to automated decision making (i.e. those made by a computer without human intervention). If you are subject to an automated decision and do not agree with the decision outcome, you have the right to challenge the decision.

 **What if I have a concern about my rights?**If you have a concern about how the Trust processes your personal information, we would recommend initially contacting our Data Protection Officer (DPO) via email at medwayft.dpo@nhs.net. The DPO assists the Trust to monitor internal compliance with data protection obligations, and acts as a contact point for individuals and for the ICO.

It may also be possible to resolve your concerns through a discussion with our Patient Advice and Liaison Service (PALS) before (or without the need to start) a more formal process:

Email: medwayft.pals@nhs.net
Phone: 01634 825004
In Person: please drop into the PALS office at reception or on Level 2, Blue Zone (9am-5pm).

If you remain dissatisfied following the outcome of your concern, you may then wish to contact the Information Commissioner’s Office (ICO):

• on their website: https://ico.org.uk/concerns/handling/

• by phone on 0303 12 1113

• by email to casework@ico.org.uk

• by their live chat facility on their website, or

• by post to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Please note that the Information Commissioner will not normally consider an appeal until you have exhausted your rights of complaint to the Trust directly.

# CONDITIONS FOR PROCESSING

This table sets out the legal conditions that the Trust relies on to process your personal data for each of the purposes set out in this notice. The articles referred to in the table are in the UK General Data Protection Regulation, commonly known as the UK GDPR. If we are using personal data we need to meet one of article 6 conditions and if we are using sensitive personal data we also need to meet one of the article 9 conditions.

| Purpose  | Condition  |
| --- | --- |
| Provide you with health or social care  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Help other organisations provide you with health or social care  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| With agreement to help other organisations provide you with other public services  | Performance of a public task – Art 6(1)(e) Substantial public interest – Art 9(1)(g)  |
| Communicate with you and, if appropriate your next of kin, about your care  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Carry out internal audits and monitor the care we provide to ensure it is of the highest standard  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Monitor equality and diversity  | Compliance with a legal obligation – Art 6(1)(c) Performance of a public task – Art 6(1)(e) Substantial public interest – Art 9(1)(g) Provision of health and social care – Art 9(2)(h)  |
| Train and educate our staff  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Respond to complaints  | Compliance with a legal obligation – Art 6(1)(c) Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Respond to queries from regulators like NHS England, the Care Quality Commission, the General Medical Council, the Service Ombudsman | Compliance with a legal obligation – Art 6(1)(c) Substantial public interest – Art 9(1)(g) Provision of health and social care – Art 9(2)(h  |
| Conduct legal claims or to seek legal advice  | Performance of a public task – Art 6(1)(e) or pursuit of legitimate interests – Art 6(1)(e) depending on the nature of the claim and whether it is about the delivery of NHS services. Conduct of legal claims – Art 9(2)(f) Provision of health and social care – Art 9(2)(h)  |
| Provide information to national registries that systematically collect data about particular conditions to help research  | Performance of a public task – Art 6(1)(e) or pursuit of legitimate interests – Art 6(1)(f) Provision of health and social care – Art 9(2)(h) Scientific research – Art 9(2)(j)  |
| Create anonymous or de-identified information  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Assess and plan the way services are delivered and paid for now and in the future  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h)  |
| Identify whether you are at risk from ill-health or may benefit from particular treatments  | Performance of a public task – Art 6(1)(e) Provision of health and social care – Art 9(2)(h) Scientific research – Art 9(2)(j)  |
| Research  | Performance of a public task – Art 6(1)(e) Scientific research – Art 9(2)(j) In some circumstances we would rely on consent – Art 6(1)(a)  |
| Audits carried out by external organisations, including audits that cover quality of care and financial management  | Performance of a public task – Art 6(1)(e) Substantial public interest – Art 9(1)(g) Provision of health and social care – Art 9(2)(h)  |
| Contact you about becoming a member of the Trust  | Performance of a public task – Art 6(1)(e) Substantial public interest – Art 9(1)(g) Provision of health and social care – Art 9(2)(h)  |