

Privacy Notice – Barnsley Hospital NHS Foundation Trust

So that we can provide you with the best possible service, a variety of information is collected about you from a range of sources, such as your General Practitioner (GP). This information is used to support your healthcare.

Under the General Data Protection Regulation (GDPR) information about your physical and mental health, racial or ethnic origin and religious belief are considered as sensitive personal information and is subject to strict laws governing its use. This page explains why Barnsley Hospital NHS Foundation Trust (BHNFT) collects personal information about you, the ways in which such information may be used, and your rights under the General Data Protection Regulation. The Trust is legally responsible for ensuring its processing of personal information is in compliance with the general data protection regulation.

Security of Information

Confidentiality affects everyone: BHNFT collects, stores and uses large amounts of personal data every day, such as medical or personal records which may be paper-based or held on a computer.

We take our duty to protect your personal information and confidentiality very seriously and are committed to taking appropriate measures to ensure it is held securely and only accessed by those with a need to know.

At executive level, we have appointed a Senior Information Risk Owner (SIRO) who is accountable for the management of all our information systems and the data they hold. The SIRO also makes sure that any associated risks or incidents are documented and investigated appropriately. We also have a Caldicott Guardian who has particular responsibility for providing advice on protecting patient confidentiality and sharing patients' information securely when appropriate.

Legal Basis for the processing of your data

The General Data Protection Regulation (GDPR) 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**”

Why do we collect information about you?

All clinicians and health and social care professionals caring for you keep records about your health and any treatment and care you receive from the NHS. These records help to ensure that you receive the best possible care. They may be paper or electronic and they may include:

- Basic details about you such as name, address, email address, NHS number, date of birth, next of kin, etc.
- Contact we have had with you such as appointments or clinic visits.
- Notes and reports about your 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 care for you and know you well such as health care professionals and relatives.

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 to your contact details or GP Practice as soon as possible. This minimises the risk of you not receiving important correspondence.

By providing the Trust with their contact details, patients are agreeing to the Trust using those channels to communicate with them about their healthcare, i.e. by letter (postal address), by voice mail or voice message (telephone or mobile number), by text message (mobile number) or by email (email address).

How your Personal Information is used

In general terms, your records are used to direct, manage and deliver your care so 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 and social care professionals have the information they need to assess and improve the quality and type of care you receive.
- Appropriate information is available if you see another doctor, or are referred to a specialist or another part of the NHS or social care.
- Your concerns can be properly investigated if a complaint is raised.

The Care Record

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

The NHS Care Record Guarantee

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

[NHS Care Record Guarantee](#)

The Records Management Code of Practice

This 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. It will help organisations to implement the recommendations of the Mid Staffordshire NHS Foundation Trust Public Inquiry¹ relating to records management and transparency.

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

How long Health Records are 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 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.



Transfers Outside the European Economic Area

The Trust will ensure that personal confidential data, even it would constitute fair processing, will not, unless certain exemptions apply or protective measures taken, be disclosed or transferred outside the European Economic Area to a country or territory which does not ensure an adequate level of protection for the rights and freedoms of data subjects

When do we share information about you?

We share information about you with others directly involved in your care; and also share more limited information for indirect care purposes, both of which are described below:

Everyone working within the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives information from us also has a legal duty to keep it confidential.

Direct Care Purposes

Unless you object, we will normally share information about you with other health and social care professionals so that you may receive the best quality care:

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

You may be receiving care from other people as well as the NHS, for example Social Care Services. We may need to share some information about you with them so we can all work together for your benefit if they have a genuine need for it or we have your permission. Therefore, we may also share your information, subject to strict agreement about how it will be used, with:

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

We will not disclose your information to any other third parties without your 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.

Indirect Care Purposes:

We also use information we hold about you to:

- Review the care we provide 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 you receive
- Prepare statistics regarding NHS performance
- Audit NHS accounts and services
- Undertake health research and development (with your consent – you may choose whether or not to be involved)
- Help train and educate healthcare professionals

Nationally there are strict controls on how your information is used for these purposes. These control whether your information has to be de-identified 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 NHS England and NHS Digital's websites:

- www.england.nhs.uk
- digital.nhs.uk

When other people need information about you

Everyone working in Health and Social Care has a legal duty to keep information about you confidential and anyone who receives information from us is also under a legal duty to keep it confidential.

From time to time we may need to share information with other professionals and services concerned in your care. This may be for instance, when your healthcare professional needs to discuss your case with other professionals (who do not work for the Trust) in order to plan your care. We do this in order to provide the most appropriate treatment and support for you and your carers, or when the welfare of other people is involved. We will only share information in this way if we have your permission and it is considered necessary.

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

Examples of this are:

- If there is a concern that you are putting yourself at risk of serious harm
- If there is a concern that you are putting another person at risk of serious harm
- If there is a concern that you are putting a child at risk of harm
- If we have been instructed to do so by a court
- If the information is essential for the investigation of a serious crime
- If you are subject to the Mental Health Act (1983), there are circumstances in which your 'nearest relative' must receive information even if you object
- If your 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 we use your information

Call recording

Telephone calls to Barnsley Hospital Trust are 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 protect staff

SMS text processing

When attending the Trust for an outpatient appointment or a procedure you may be asked to confirm that the Trust has an accurate contact number and mobile telephone number for you. This can be used to provide appointment details via SMS text messages and automated calls to advise you of appointment times.

Surveillance Cameras (CCTV & Body Worn Video)

We employ surveillance cameras (CCTV and Body Worn Video) on and around the hospital site in order to:

- protect staff, patients, visitors and Trust property
- apprehend and prosecute offenders, and provide evidence to take criminal or civil action in the courts
- 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

You have a right to make a Subject Access Request of surveillance information recorded of yourself and ask for a copy of it. Please see the 'Data Subjects Rights' section. The details you provide must contain sufficient information to identify you and assist us in finding the images on our systems.

We reserve the right to withhold information where permissible by Data Protection Legislation and we 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 or Body Worn Video data for legal reasons. When this is done there is a requirement for the organisation that has received the images to adhere to Data Protection Legislation.

Data Subjects Rights

Under the General Data Protection Regulations and Data Protection Legislation, you have the following rights:

Subject Access

The right to request a copy of your personal data which the Trust holds about you: Make a [Subject Access Request](#)

Other Information Right Requests

Right to be informed

We must be completely transparent with you by providing information 'in a concise, transparent, intelligible and easily accessible form, using clear and plain language'. Our privacy notice is one of the ways we try and let you know how data is handled.

Right to rectification

You have the right without undue delay to request the rectification or updating of inaccurate personal data.

Right to restrict processing

You can ask for there to be a restriction of processing such as where the accuracy of the personal data is contested. This means that we may only store the personal data and not further process it except in limited circumstances

Right to object

You can object to certain types of processing such as direct marketing. The right to object also applies to other types of processing such as processing for scientific, historical research or statistical purposes (although processing may still be carried out for reasons of public interest).

Right to data portability

Where personal data is processed on the basis of consent and by automated means, you have the right to have your personal data transmitted directly from one data controller to another where this is technically possible.

Right to erasure or 'right to be forgotten'

You can request the erasure of their personal data including when:

- (i) the personal data is no longer necessary in relation to the purposes for which they were collected
- (ii) you no longer provide your consent, or
- (iii) you object to the processing.

Make a request under your ['Information Rights'](#)

Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by BHNFT, subject to a number of exemptions.

Make a [Freedom of Information request](#)

Further information on the [Freedom of Information Act and Making a Request](#)

Please note: if your request is for information we hold about you (for example, your health record), please instead see above, under 'Data Subjects Rights'.

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 contact the Patient Advice & Liaison Service (PALS).

- Concerns: barnsleypals@nhs.net
- Complaints: bhnftcomplaints@nhs.net

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

The GDPR 2018 requires organisations to lodge a notification with the Information Commissioner to describe the purposes for which they process personal information. These details are publicly available from:

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, SK9 5AF

Telephone: 08456 306060

Website: www.ico.gov.uk