

Privacy Notice

The purpose of this notice is to inform you of the type of information that Wirral Community NHS Foundation Trust (WCT) holds; how that information is used; who we may share that information with; and how we keep it secure and confidential.

Data Controller

WCT are registered as a Data Controller with the Information Commissioner's Office (ICO) and are committed to protecting the rights of individuals in line with the General Data Protection Regulation 2016 (GDPR).

Address: Wirral Community NHS Foundation Trust, Derby Road, Birkenhead, Wirral, CH42 0LQ

Telephone: 0151 514 2888

Data Protection Officer:

WCT has a Data Protection Officer who can be contacted through wcnt.dpo@nhs.net

What information is collected about me?

The trust collects a combination of personal and special category information that includes:

- Basic details, such as your name, address, telephone numbers, date of birth, next of kin
- Contacts we have had with you, such as appointments and home visits
- Details and records of treatment and care, including notes and reports about your health/care needs
- Patient images for example photograph, x-rays, scans
- Financial information relevant to your care and support requirements
- Visual images e.g. CCTV images are used as part of the building security
- Responses to surveys
- Racial and ethnic origin
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Religion or similar beliefs
- Physical or mental health details
- Sexual orientation

We have no right to ask you about information that is not relevant to your care.

Why is information collected about me?

The health and social care professionals caring for you keep records about your health and any treatment or care you receive. This information is either written down or held on a computer. These records are then used to guide and manage the care you receive. This is to ensure:

- those involved in your care have accurate and up-to-date information to assess your needs
- we can assess the quality of care you have received
- if you need to complain about the care you receive, your concerns or complaints can be properly investigated

To help the NHS

Information is also used to help support the future development of the NHS, ensuring the services provided to our patients/service users is always improving. Some areas where we may process partly/fully anonymised data include:

- analysis of statistical data to review NHS performance and key performance indicators
- to aid the completion of audits across our NHS services
- to review and monitor how we spend public money
- to help plan and develop strategic direction for the future delivery of our NHS service
- to teach and train health/social care professionals
- to conduct health/social care research and development
- to maintain our accounts and records and review and monitor how we spend public money

What is the legal basis for processing my information?

The lawful bases for processing personal data are set out in Article 6 of the General Data Protection Regulation and article 9 for the processing of special categories data.

We collect and process your Personal Data for a variety of purposes as outlined in this Privacy Policy.

In many cases, separate consent is not required and therefore we will rely on another 'legal basis for processing'. These include:

Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).

Vital interests: the processing is necessary to protect someone's life.

Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Health Purposes: the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of working capacity of the employee, medical diagnosis, the provision of health or social care treatment or the management of health or social care services.

Occasionally we may ask you for your consent.

Managing Preferences and Withdrawing Consent

Consent means offering individuals genuine choice and control. Under the General Data Protection Regulation, consent requires a positive opt-in.

We will not use pre-ticked boxes or any other method of consent by default.

As explicit consent requires a very clear and specific statement of consent, we will ensure that this is done.

- We will keep consents separate from other terms and conditions
- Be specific and granular, clear and concise
- We will name any third party controllers who will rely on consent as required
- Make it easy for people to withdraw consent.

We will:

- Keep evidence of consent - who, when, how and what individuals were told
- Keep consent under review and refresh if and when anything changes
- Avoid making consent a precondition of a service.

How do we keep your information confidential and safe?

Information is retained in secure electronic and paper records and access is restricted to only those who need to know. Access to these records is strictly controlled and fully auditable.

Everyone working for the NHS has a legal duty to keep information about you confidential and secure under Data Protection Legislation, Caldicott Principles and Confidentiality Code of Conduct. Our staff are trained to handle your information correctly and protect your privacy.

Who will my information be shared with?

Where lawful and necessary we will share appropriate, relevant and proportionate personal data with the following:

- health or social care providers, education services, local council and voluntary/third sector organisations who are directly involved in your care.
- organisations that we have contracted or have been contracted by to provide a service. We will only ever share your data if we are satisfied that our partners or suppliers have sufficient measures in place to protect your data in the same way that we do.

- auditors and regulatory bodies such as the Care Quality Commission.
- legal claims and complaints.

We are also required by law to report certain information to the appropriate authorities. Occasions when we must pass on information include:

- notification of a new birth
- where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles
- where a formal court order has been issued
- when the Police request information as part of a criminal investigation

Wirral Care Record – providing health and social care professionals with an overview of your health and social care information in one digital record. Further information can be found here: <https://www.wirralccg.nhs.uk/healthy-wirral/wirral-care-record/>

Cheshire Care Record - a local electronic patient record that allows health and social care professionals directly involved in your care, to share a summary of your medical record. Further information can be found here: www.cheshirecarerecord.co.uk

National Data Opt-Out Programme - the Trust is one of many organisations working in the health and care system to improve care for patients and the public. The information collected about you when you are using NHS services can be provided to other approved organisations, where there is a legal basis, to help with planning services, improving care provided, research into developing new treatments and preventing illness.

All of these help to provide better health care for you, your family and future generations. Confidential personal information about your health and care is only used in this way where allowed by law and would never be used for insurance or marketing purposes without your explicit consent.

You have a choice about whether you want your confidential patient information to be used in this way. You can find out more about the wider use of confidential personal information and to register your choice to opt out by visiting www.nhs.uk/your-nhs-data-matters

External Systems and third party providers – there are areas of work where we use externally provided systems (such as our clinical system) to manage your information for service delivery, monitoring and improvement. We ensure that appropriate controls are in place to mitigate risk and ensure compliance with our requirements.

Please note that if you provide us with your mobile number then we may use this to send you a reminder about your appointment, test results and to ask you for feedback. Please let us know if you do not wish to receive these on your mobile.

Your information is never collected or sold for direct marketing purposes. Your information is not processed overseas.

How long do you keep my information for?

Information is held for specified periods of time as set out in the Information Governance Alliance 'Records Management Code of Practice for Health and Social Care 2016.'

Your legal rights

Under certain circumstances, you have the following rights under data protection laws in relation to your personal data:

- **Request access** to your personal data (commonly known as a 'subject access request'). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to

verify the accuracy of the new data you provide to us and any changes will be at the discretion of the health professional/social worker involved in your care.

Any request for access or correction to records should be forwarded on to:

General Office
Victoria Central Health Centre
Mill Lane
Wallasey
Wirral
CH44 5UF
Telephone: 0151 604 7592
Email: wcnt.vchgeneraloffice@nhs.net

- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continue to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which overrides your rights and freedoms.
- **Request restriction** of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you therefore, this right is unlikely to apply to the information held by the trust.
- **Withdraw consent** at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above or have any concerns about your information, please contact our Data Protection Officer:

Email: wcnt.dpo@nhs.net

Tel: 0151 514 2202

If you are still unhappy with the outcome of your enquiry you can write to:

The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone: 01625 545700

We are committed to making our publications as accessible as possible. If you need this document in an alternative format, for example, large print, Braille or a language other than English, please speak to the Health or Social Care Professional involved with your care.