



# Privacy Notice Patient Information

## Introduction

The North West Boroughs Healthcare NHS Foundation Trust aims to be as transparent as possible and provide people with accessible information about the Trust, why it needs to collect data, what it does with the data, who it will be shared with and how and for how long it will be held.

This privacy notice is intended to answer most common questions, but if further information is required please contact the Trust's Information Governance Team by emailing [IG@nwbh.nhs.uk](mailto:IG@nwbh.nhs.uk) or telephoning 01925 664485.

## Who Are We?

The North West Boroughs Healthcare NHS Foundation Trust is a public organisation that provides treatment, support and guidance for a range of health needs for people, both children and adults, living in Greater Manchester, Halton, Knowsley, Sefton, St Helens, Warrington and Wigan. The health needs include physical and mental health conditions and learning disabilities.

The Trust's main address is: Hollins Park  
Hollins Lane  
Winwick  
Warrington  
WA2 8WA

The Trust can be contacted at: **Main Switchboard:** 01925 664000  
**Trust Website:** [www.nwbh.nhs.uk](http://www.nwbh.nhs.uk)

The Trust is a Data Controller and, as such, is registered with the Information Commissioner's Office. Its registration number is Z8591053.

The Trust's Data Protection Officer (DPO) is the Information Governance & Security Manager, who is supported in this role by the Information Governance Team. The DPO can be contacted by emailing [DPO@nwbh.nhs.uk](mailto:DPO@nwbh.nhs.uk) or [IG@nwbh.nhs.uk](mailto:IG@nwbh.nhs.uk) or phoning 01925 664485.

## Why does the Trust need your Information?

The Trust keeps records about your health and treatment to ensure the care you receive is effective, of good quality and meets your needs. The Trust needs information about you to create a care record that enables its staff to identify and contact you easily and to ensure appropriate services are offered to you. Information

about you is used to help deliver care services to you, which may include sharing with external organisations so that the care services are integrated.

Information will also be used to contribute to the management of the Trust, which means your information may be used to ensure the hospital is paid for the services it provides or is held accountable for the quality of its services.

Whilst the Trust receives information from you when you come into contact with it, it also receives information about you from other individuals or organisations, such as when you are referred for treatment. The Trust needs enough information to be able to provide you with appropriate healthcare services.

## What will it be used for?

The Trust may process your data in order to:

- provide the appropriate services to you,
- review its standards of care to ensure they are safe and effective,
- teach or train healthcare professionals,
- review your suitability for and/or carry out audits and research,
- undertake service evaluation,
- participate in national health screening programmes to ensure only those who should be called for screening are called and those at highest risk are prioritised,
- ensure security and safety (eg for the prevention and detection of fraud and other serious crimes, assisting in the prevention and control of diseases, or recording images on CCTV cameras),
- manage complaints, concerns, legal claims and incidents, and
- make sure the Trust is paid for the services that it provides.

Please note that the Trust does not use automated decision-making services (where decisions are made based on your personal data without any human intervention).

## What Data is Held?

There are two types of data that the Trust uses: personal and special category. Personal data means any information relating to a person who can be directly (eg by name or picture) or indirectly (eg by age, gender and post code) recognised. Special category data means any information relating to racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life or details of criminal offences.

The Trust keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your GP, your symptoms, problems and diagnoses, the reasons you seek help, your appointments, where, when and by whom you are seen, referrals to other health and social care

providers, tests carried out both by the Trust and in other places, investigations and scans, treatments and outcomes of treatments, your medical treatment history, the observations and opinions of other healthcare workers, within and outside the NHS, as well as comments and reminders reasonably made by health and social care professionals in the Trust who are appropriately involved in your health care.

The Trust will maintain a record of your care that consists of things such as:

- any contacts you have with staff (eg visits and appointments),
- notes or a summary of discussions,
- treatment/care plans and results of any tests,
- relevant information provided from other professionals, relatives or those who know or care for you, and
- information on medicines, side effects and allergies.

Your information will primarily be held electronically. When registering for NHS care, all patients who receive NHS care are registered on a national database. This database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data. Some of the Trust's databases also connect to this national database to ensure your details remain up-to-date. This means if you change your address with your GP or provide them with a mobile telephone number, the Trust may automatically have access to this information. The Trust also uses other databases that it is responsible for, either directly or through legal contracts with suppliers.

Some records are still held in paper format, particularly historical care records. These are stored securely and may be transferred to electronic format at some point.

## Lawful Basis for Processing

Under the National Health Service Act 2006 and the Health and Social Care Act 2012, the Trust is required by law to process your personal data in order to provide you with direct care. Therefore, under the General Data Protection Regulation<sup>1</sup> the processing of your personal data is necessary “for the performance of a task carried out in the public interest” (Article 6(1)(e)). Where the Trust processes your special category data it will do so because it is necessary “for the purposes of preventive medicine, medical diagnosis, the provision of healthcare or treatment or the management of healthcare systems” (Article 9(2)(h)).

The Trust has an obligation to protect the health of the general public and where this is done your personal data will be processed “for the performance of a task carried out in the public interest” (Article 6(1)(e)). Where your special category data is processed, this is done because it is necessary “for reasons of public interest in the area of public health” (Article 9(2)(i)).

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<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27/04/2016

As a healthcare provider, there may be occasions where we need to process personal and/or special category data because someone is at risk of serious harm (eg in emergencies or major incidents) and, where we do this, we will process the information to “protect that person’s vital interests” (Articles 6(1)(d) and 9(2)(c)).

There may be occasions when we will be obliged to process your information in order to comply with a court order, coroner’s instruction, to prevent or detect crime or to comply with the law (eg to provide the Secretary of State with information and reports on the status, activity and performance of the Trust). Where we do this we will process your personal and/or special category data to comply with a legal obligation to which the Trust is subject (Article 6(1)(c)).

If we process your information for other purposes that are not described above then we will seek your consent to do so before we process it.

If the Trust wishes to use your personal information for a new purpose that is not covered by this Privacy Notice, then we will provide you with a new notice explaining the new use prior to commencing the processing, setting out the relevant purposes and processing conditions. Where and whenever necessary, we will ensure there is a legal justification for such processing.

## Who will we Share your Data with?

The types of organisations and people the Trust may share your data with include (but are not limited to):

- other healthcare professionals (eg doctors, nurses, ambulance services, etc),
- partner organisations who contribute to your long-term care (eg GPs, social services/local authorities, education, private sector providers, etc),
- parents, carers or guardians with parental responsibilities or legal responsibilities,
- NHS managers and the Department of Health/NHS Digital for the purposes of planning, commissioning, managing and auditing healthcare services
- organisations we contract with to provide services to or on behalf of the Trust,
- bodies with statutory investigative powers (eg NHS Resolution, the Care Quality Commission, General Medical Council, Nursing and Midwifery Council, Audit Commission or Health Service Ombudsman),
- Government departments for national screening programmes and other national initiatives (eg NHS England, Public Health England or the Home Office), and
- the police, emergency and out-of-hours services, the courts (including coroner’s court), solicitors and tribunals and enquiries.

The sharing of your data for the purposes of direct care, both within the Trust and with others outside the Trust, is allowed by law.

The Trust will not share your information for marketing, social media or insurance purposes unless it has your consent to do so. If you do consent to this, you have the right to withdraw your consent to the processing at any time.

Information provided under the Freedom of Information Act 2000 will not include person-identifiable details about patients.

## Safeguarding

Some members of society are recognised as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm Trust staff are expected as professionals to do what they can to protect them. In addition they are bound by certain specific laws that exist to protect individuals. This is called “Safeguarding”.

Where there is a suspected or actual safeguarding issue the Trust will share relevant information that it holds with other relevant agencies, regardless of whether or not the individual or their representative agrees. The laws that allow this processing to be undertaken without consent are the Children Act 1989 (Section 47) and the Care Act 2014 (Section 45).

## Research

Research in the NHS is essential in helping to improve the health and wellbeing of the population and is included within the NHS Constitution. There is also evidence to suggest that when healthcare organisations engage in research, it is likely to have a positive impact on their performance and patient outcomes. As such, the Trust is proud to be a research active organisation and it is dedicated to supporting clinical research. Its staff may view health records in order to offer new research opportunities to patients and carers, to support the development of treatments and improve the way the Trust delivers healthcare.

This Trust only participates in research where there is an agreed, clearly defined reason for the research that is likely to benefit healthcare and patients. Such proposals will normally have a consent process, ethics committee approval and will be in line with the principles of Article 89(1). Identifiable data will be shared with researchers either with explicit consent (Articles 6(1)(a) and 9(2)(a)) or, where the law allows, without consent (Articles 6(1)(e), 9(2)(j) and 9(2)(h)). For further information, please go to <https://www.hra.nhs.uk/information-about-patients/> or <http://www.nwbh.nhs.uk/research>.

## Rights to Object

People who have access to your information will only normally have access to that which they need to fulfil their roles. You have the right to object to the Trust sharing your data in these circumstances but the Trust has an overriding responsibility to do

what is in your best interests and may therefore still share the information even if you have objected. This will only be done with a valid legal justification.

You also have the right to object to some or all of your information being processed under Article 21 of the Regulation. However, please note that this is a right to raise an objection, which is not the same as having an absolute right to have your wishes granted in every circumstance. In certain circumstances the Trust will need to continue to process your information in order to provide you with the care you need.

Please contact the Trust's Information Governance Team if you have any questions regarding this by emailing [IG@nwbh.nhs.uk](mailto:IG@nwbh.nhs.uk) or phoning 01925 664485.

## National Data Opt-out Programme

A secure and accessible tool for people to opt-out of their confidential patient information being used for reasons other than their individual care and treatment is available. This means patients have more control over how their information is used and gives them the opportunity to make informed choices about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes. Further information is available at <https://www.nhs.uk/your-nhs-data-matters/>.

You can also opt-out of the national screening programmes. For further information, please go to <https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes>.

## Right to Access

You have the right to access the data held about you, except for information that:

- has been provided in confidence by someone else without consenting for you to see it,
- relates to serious criminal offences, and/or
- could cause physical or mental harm to you or someone else.

Parents/carers/legal guardians can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

To request access to records the Trust holds, please contact the Information Governance Team by emailing [AccessToRecords@nwbh.nhs.uk](mailto:AccessToRecords@nwbh.nhs.uk) or phoning 01925 664844.

## Right to Correct

You also have the right to have any inaccuracies in the data we hold about you corrected. However, if the data we hold is accurate, but you disagree with it, you should note that there is no right to have accurate medical records deleted except when ordered by a court of law. For further information about correcting inaccuracies, please see the guidance on Requesting Amendments to Health and Social Care Records<sup>2</sup> or contact the Information Governance Team by emailing [Records@nwbh.nhs.uk](mailto:Records@nwbh.nhs.uk) or phoning 01925 664895.

## Retention Period

The Trust retains the information it holds in line with the Records Management Code of Practice for Health and Social Care 2016<sup>3</sup>, following which it usually be confidentially destroyed. However, occasionally this may be changed due to instructions from the Government. For example, the Independent Inquiry into Child Sexual Abuse currently prevents the Trust from destroying certain records.

In addition, some records, particularly those from before 1945, will be held indefinitely by the National Archives for permanent preservation (Article 9(2)(j)). The Trust can also decide to retain records of a special nature for an indefinite period with senior management approval.

## Use of Email

Some services within the Trust will provide you with the option to communicate with them via email. Please be aware that, unless these emails are encrypted, the Trust cannot guarantee the security of your information whilst in transit and by using this option you are accepting this risk.

If you want to communicate via encrypted email, please ask the service to send you a secure email. When you receive it, you will be asked to set up an account to access the email. Thereafter, any replies to the encrypted email will be secured. You can tell if an email from the Trust is encrypted as it will have [ENCRYPT] in its subject line.

## Transferring Information Abroad

The Trust sends research data outside the United Kingdom (UK) and the European Economic Area, but this data is pseudonymised so people's identities are hidden by the creation of a new identifier, which can only be reversed by the Trust.

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<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20120905052734/http://www.nigb.nhs.uk/guidebooklet.pdf>

<sup>3</sup> <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

Otherwise, the Trust does not routinely transfer information outside the UK, but if there is a need to do so it will be done in a way that ensures the security of the information is to an equivalent standard as that used internally by the Trust when processing your information.

## Trust Website

You can browse the Trust's website without disclosing personal data. However, the Trust may store information about you using cookies, which are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently, as well as to provide information to the owners of the site. To find out more about cookies, including how to see what cookies have been set, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

The Trust also uses Google Analytics<sup>4</sup> to collect information about how visitors use its website. The information is used to compile reports and to help improve the website. The cookies collect information in an anonymous form, including the number of visitors to the website, where visitors have come to the website from and the pages they visited. To opt out of being tracked by Google Analytics across all websites, visit <http://tools.google.com/dlpage/gaoptout>.

The Trust's website contains links to other (external) sites. The Trust is not responsible for the privacy practices and content of these sites. The Trust encourages you to be aware of this when you leave its site and to read the privacy statements on the other websites.

## Right to Complain

The Trust aims to make sure that the services it delivers are provided to the highest standard. If you have any concerns about the way the Trust has handled its data, you can raise your concerns or make a complaint.

- To raise a concern, please contact the Information Governance Team by emailing [IG@nwbh.nhs.uk](mailto:IG@nwbh.nhs.uk) or phoning 01925 664485.
- To make a complaint to the Trust, please contact the Complaints Team by emailing [Complaints@nwbh.nhs.uk](mailto:Complaints@nwbh.nhs.uk) or phoning 01925 664004.
- To make a complaint about the Trust, please contact the Information Commissioner's Office by emailing [casework@ico.org.uk](mailto:casework@ico.org.uk) or phoning 0303 123 1113 (local rate).

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<sup>4</sup> <https://policies.google.com/privacy/update>