

May 2018

## Privacy Notice for Patients, Carers and Service Users

First Community Health and Care takes your confidentiality and privacy rights very seriously. This notice explains how we deal with your personal information and forms part of our accountability and transparency to you under the General Data Protection Regulation (GDPR) 2018.

### How will we meet the Principles of the GDPR?

We will process your personal information fairly and lawfully by;

- a) Only using it if we have a lawful reason and when we do, we make sure you know how we intend to use it and tell you about your rights;

**We do not rely on consent to use your information as a 'legal basis for processing'. We rely on specific provisions under Article 6 and 9 of the General Data Protection Regulation, such as 'a task carried out in the public interest or in the exercise of official authority vested in the controller.'**

**This means we can use your personal information to provide you with your care without seeking your consent. However, you do have the right to say 'NO' to our use of your information but this could have an impact on our ability to provide you with care.**

- b) Only collecting and using your information to provide you with your care and treatment and will not use it for anything else that is not considered by law to be for this purpose;
- c) Only using enough of your personal information that will be relevant and necessary for us to carry out various tasks within the delivery of your care;
- d) Keeping your information accurate and up to date when using it and if it is found to be wrong, we will make it right, where appropriate, as soon as we can;
- e) Only keeping your information in a way that it will identify you for as long as we are legally required to, whilst ensuring your rights;
- f) Having secure processes in place to keep your personal information safe when it is being used, shared, and when it is being stored.

## What information do we collect from you?

Health and social care professionals working with you – such as nurses, occupational therapists and other staff involved in your care – keep records about your health and any care and treatment you receive. This **may** include:

- Basic details such as name, address, date of birth, phone number,
- Your next of kin and contact details
- Notes and reports about your health and any treatment, care or support you need and receive
- Results of your tests and diagnosis
- Relevant information from other professionals
- Any contacts you have with us such as home visits etc

## Why do we collect this information about you?

Your information is used to guide and record the care you receive and is vital in helping us to;

- have all the information necessary for assessing your needs and for making decisions with you about your care
- have details of our contact with you, such as referrals and appointments and can see the services you have received
- can properly investigate if you have a concern or a complaint about your healthcare

## Who might we share your information with?

Health and Social Care Professionals - and the team who are caring for you and are providing treatment to you.

However, the NHS and other agencies, including social services and other healthcare organisations work together so we may need to share information about you, with other professionals and services involved in your care.

We do this in order to provide the most appropriate care and treatment for you, and your carers, or when the welfare of other people is involved.

**You have the right to refuse/withdraw your consent to information sharing at any time. Please discuss this with your relevant health care professional as this could have implications in how you receive further care, including delays in you receiving care.**

However, a person's right to confidentiality is not absolute and there may be other circumstances when we must share information from your patient record with other agencies. In these **rare** circumstances we are not required to have your consent. Examples of this are:

- If there is a concern that you are putting yourself at risk of serious harm
- If there is concern that you are putting another person at risk of serious harm
- If there is 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 crime

The information from your patient record will only be used for purposes that benefit your care - we would **never** share it for marketing or insurance purposes.

## **How we keep your information safe?**

Information is retained in secure electronic and paper records on our information systems and accessed by staff through desktop, laptop and other mobile devices. Paper records are kept securely locked away when not in use.

All of the Information Systems used by our organisation are implemented with robust information security safeguards to protect the confidentiality, integrity and availability of your personal information.

All staff are required to undertake annual information governance training and to be familiar with information governance policies and procedures.

Everyone working for the NHS is subject to the NHS Code of Confidentiality.

The Senior Information Risk Owner (SIRO) is accountable for the management of all information assets and any associated risks and incidents.

The First Community Health and Care Caldicott Guardian, has the responsibility to ensure the protection of patient confidentiality throughout the organisation in accordance with your legal rights.

## **How long do we keep your information?**

All records held by the NHS are subject to the Records Management Code of Practice for Health and Social Care Act 2016 (the Code). The Code sets out best practice guidance on how long we should keep your patient information before we are able to review and securely dispose of it.

## How can I access the information you hold about me?

If you would like to receive a copy of all or part of your medical record, you have the right to request this under a **Subject Access Request**. There will be no charge for receiving copies of your medical information **held** by First Community Health and Care. If preferred, an electronic copy can be requested but this will depend on the size of the file being emailed. Your right is to the data relating to you and you only, and not necessarily the record itself which can, where appropriate, be redacted if third parties are named.

Requests for access to medical records should be completed within one month of receipt of request. This can be extended by up to an additional 60 days, if the request is deemed complex, or requires additional clarification.

First Community Health and Care will provide a clear explanation as to why this deadline might be extended in the event of a complex query.

All applications for access to health records must be made in writing or email (details below), and we will request proof of identity before we can disclose personal information.

**Post: Subject Access Request**  
**First Community Health and Care**  
Forum House  
41-51 Brighton Road  
Redhill  
Surrey  
RH1 6YS

**Email:** [FCHC.SARfirstcommunity@nhs.net](mailto:FCHC.SARfirstcommunity@nhs.net)

## What happens if there is a Personal Data Breach and you are involved?

Any incidents involving loss of **Personal Data** will be reported as incidents on our systems. All incidents will be investigated internally and what happens next is based on what data has been exposed and what risk that poses. If we discover that a breach is likely to result in a risk to your and other people's rights and freedoms or will adversely affect them, we will inform you under our Duty of Candour without delay and report to the Information Commissioner's Office (ICO) within **72 hours**.

## Transparency

The GDPR states that we must be able to explain all of the above and provide you with information on the above in clear and plain language.

If there is anything about this Privacy Notice that you **do not** understand, please contact the Data Protection Officer (see details below)

**Post: Data Protection Officer**  
**First Community Health and Care**  
**Forum House**  
**41-51 Brighton Road**  
**Redhill**  
**Surrey**  
**RH1 6YS**

**Email:** [d.officer@nhs.net](mailto:d.officer@nhs.net)

Commissioner's office. (below are our registration details)

**Registration number: Z2917115**

**Date registered: 07 November 2011**

**Registration expires: 06 November 2018**

**Data controller:** First Community Health and Care CIC

**Address:**

2nd Floor  
Forum House  
41-51 Brighton Road  
Redhill  
Surrey  
RH1 6YS

## **Information Commissioner**

To report a concern **directly** to the UK's independent authority you can do this by making contacting with:

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Tel: 0303 123 1113**