

## Privacy Notice: 'Your patient information matters'

This page is a Privacy Notice - also known as a Fair Processing Notice.

It should not be confused with the privacy policy which concerns the use of this website:

<http://wiltshirehealthandcare.nhs.uk/privacy-policy/>

This page describes how Wiltshire Health and Care uses and manages the information it holds about you, including how the information may be shared with other NHS organisations and with non-NHS organisations, and how the confidentiality of your information is maintained.

**In the unfortunate event that you contract Covid 19, as a notifiable disease, minimal information about you will be shared with Public Health England for the purposes of containment and management. This information is shared in compliance with the law and shared on a need to know basis. See page 3 for further details.**

Personal information relates to a living individual who can be identified from that data.

Wiltshire Health and Care holds personal data about you for the purposes of providing you with appropriate care and treatment.

We keep records about the health care and treatment we provide you.

This helps to ensure that you and your loved ones receive the best possible care from us.

We may also use personal details to issue patient satisfaction surveys relating to the services used.

This helps us to help patients because:

- Accurate, up-to-date information is important for providing the right care, in the right place, at the right time;
- If you see another doctor, or you are referred to a specialist, or to another part of the NHS, then full details of your healthcare can be made available;
- Satisfaction surveys enable us to improve the way we deliver healthcare to our patients.

It also helps us:

- Plan, manage and audit the health services we provide;
- Prepare statistics on our performance;
- Monitor how we spend public money;
- Teach and train healthcare professionals of the future;
- Conduct health research and development

Wiltshire Health and Care is registered with the Information Commissioner's Office as a [Data Controller reference ZA190147](#), as required by the EU General Data Protection Regulations (GDPR) and UK Legislation.

Patients have the right to access personal information about them held by Wiltshire Health and Care, either to view the information in person, or to be provided with a copy.

Patients wanting to access their health records should refer to the Patient Records webpage for further details: <http://wiltshirehealthandcare.nhs.uk/about-us/patient-records/>

### **What type of information we collect about you:**

- Identity details - name, date of birth, NHS Number
- Contact details - address, telephone, email address
- 'Next of kin' - the contact details of a close relative or friend
- Details of any Emergency Department or Minor Injury visits, in-patient spells or clinic appointments
- Results of any scans, X-rays and pathology tests
- Details of any diagnosis and treatment given
- Information about any allergies and health conditions

By providing your contact details, you are agreeing to Wiltshire Health and Care communicating with you about your 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).

If you prefer not to be contacted by text message or email, please let us know by registering your preferences – these will be recorded within your electronic patient record.

### **How we keep your health information confidential**

Everyone working for the NHS is subject to the Common Law Duty of Confidence and professional codes of behaviour and standards (ethics).

Information you provide in confidence will only be used for providing you with direct care, except in circumstances where the law requires or allows us to act otherwise.

Under the Confidentiality Code of Conduct, all employees are required to protect patient information, to keep you informed about how your information will be used, and to allow you to decide how your information is shared.

This will be noted in your health record.

### **Why is your health record shared and with whom?**

We share your information with a range of organisations or specific named individuals for a variety of lawful purposes, including:

- GPs and other NHS staff for the purposes of providing direct care and treatment to the patient, including administration;
- social workers or to other non-NHS staff involved in providing healthcare and safeguarding purposes;
- specialist organisations for the purposes of clinical auditing;
- those with parental responsibility for patients, including guardians;
- carers without parental responsibility (subject to explicit consent);
- medical researchers for research purposes (with your explicit consent, unless the data is anonymous);

- NHS managers and the Department of Health for the purposes of planning, commissioning, managing and auditing healthcare services;
- organisations with statutory investigative powers - e.g. the Care Quality Commission, the GMC, the Audit Commission, the Health Service Ombudsman;
- national generic registries - e.g. the UK Association of Cancer Registries (you may opt out of being registered if you wish)
- where necessary and appropriate, to non-statutory investigations - e.g. Members of Parliament;
- where necessary and appropriate, to government departments other than the Department of Health;
- solicitors, to the police, to the Courts (including a Coroner's Court), and to tribunals and enquiries;
- the media (normally the minimum necessary disclosure subject to explicit consent)

During the Coronavirus outbreak, the NHS has granted additional powers for health organisations to share information to help monitor COVID-19; a summary from the Secretary of State for Health & Social Care is below:

The Secretary of State for Health and Social Care has Directed NHS Digital to collect and analyse data from providers and other organisations involved in managing the COVID-19 response and then disseminate information and analysis to other bodies for the purpose of planning and managing the response. NHS England and NHS Improvement have been given legal notice to support the processing and sharing of information to help the COVID-19 response under Health Service Control of Patient Information Regulations 2002.

This will be reviewed in September 2020.

Your healthcare information is only shared with other organisations where there is a legal basis for it as follows:

- To provide you with direct patient care
- When there is a Court Order or a statutory duty to share patient data;
- When there is a statutory power to share patient data;
- When you have given your explicit consent to the sharing;
- When sharing your information without consent has been authorised by the Confidentiality Advisory Group of the Health Research Authority (HRA CAG) under Section 251 of the NHS Act 2006

Your healthcare information may be shared, for the purposes of providing direct patient care, with other NHS 'provider' organisations, such as hospitals (NHS Acute Trusts), primary care (NHS Community Health), NHS GPs (general practitioners), NHS ambulance services etc.

In such cases, your shared information will always identify you for safety reasons.

Details of the care you receive will be shared with NHS Digital to ensure we receive payment for the care you receive.

Limited personal information may also be shared with your local Clinical Commissioning Group (CCG) who is responsible for purchasing healthcare in the locality in which you live. In such cases, the shared data is made anonymous, wherever possible, by removing all patient-identifying details, unless the law requires the patient's identity to be included.

## Sharing your information with non-NHS organisations

We may also need to share your healthcare information with non-NHS organisations providing care to you. These may include social services or private healthcare organisations.

We will not disclose confidential health information to others without your consent, unless there is a risk to you or others, or the law requires it.

Wiltshire Health and Care may also be asked to share basic information about our patients, such as names and addresses, to provide NHS services to you.

## Refusing or withdrawing consent

The possible consequences of refusing consent will be fully explained to the patient at the time, and could include delays in receiving care.

In those instances where the legal basis for the sharing of confidential personal information relies on the patient's explicit or implied consent, then the patient has the right at any time to refuse their consent to the information sharing, or to withdraw their consent previously given.

In instances where the legal basis for sharing information without consent relies on HRA CAG authorisation under Section 251 of the NHS Act 2006, then the patient has the right to register their objection to the disclosure, and Wiltshire Health and Care is obliged to respect that objection.

In instances where the legal basis for sharing information relies on a statutory duty/power, then the patient cannot refuse or withdraw consent for the disclosure.

## How long health records are retained

Your healthcare record is retained by us in line with the NHS Code of Practice: Records Management. Click this link to find out how long information is kept: [Records Management Code of Practice for Health and Social Care 2016 - NHS Digital](#)

When your information is no longer required we destroy your records and our computers securely.

## Your rights

Under the EU Data Protection Regulation and UK legislation you have the following rights:

- **The right to be informed:** to be told about why we collect your information, what it is used for and who we share it with
- **The right of access** to your information, normally within 30 days and free of charge
- **The right to rectification** to ensure if your information is wrong we correct it
- **The right to erasure:** to have your information deleted or forgotten in certain circumstances
- **The right to restrict processing:** to ask for your information not to be shared
- **The right to data portability:** for us to give you a copy of your information in a permanent format for example, on a disk, electronic file or paper
- **The right to object:** to your information being held, used, shared, or stored in certain situations

**Rights in relation to automated decision making and profiling:** to be told if we use a computer program to make decisions about you.

**If you would like to ask a question about your healthcare information or raise a privacy or confidentiality concern please contact our shared Data Protection Officer:**

Heidi Doubtfire-Lynn  
Data Protection Officer  
Wiltshire Health and Care,  
c/o Salisbury NHS Foundation Trust, Informatics Department  
SDH Central, Odstock road  
Odstock, SP2 8BJ

Tel: 01722 425119

Email: [sft.information.governance@nhs.net](mailto:sft.information.governance@nhs.net)

Patients who have a concern about any aspect of their care or treatment provided by Wiltshire Health and Care, or about the way their records have been managed, should contact the Patient Advice and Liaison Service (PALS):

*Telephone:* 0300 123 7797

*Email:* [PALS.wiltshirehealthandcare@nhs.net](mailto:PALS.wiltshirehealthandcare@nhs.net)

Additionally, patients have the right to complain to the Information Commissioner if they should ever be dissatisfied with the way Wiltshire Health and Care has handled or shared their personal information:

The Information Commissioner's Office (ICO)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 or 01625 545745

[Information Commissioner's Office website](http://www.ico.org.uk) (www.ico.org.uk)

### **Further information**

Patients can find out more and set their opt-out choice at [nhs.uk/your-nhs-data-matters](https://nhs.uk/your-nhs-data-matters).

To learn more about how Wiltshire Health and Care uses, manages and maintains confidentiality of patient information, please speak to the health professionals concerned with your care, or contact:

The Managing Director  
Wiltshire Health and Care,  
Chippenham Community Hospital  
Rowan West, Rowden Hill  
CHIPPENHAM SN15 2AJ

01249 456565 or [ask.wiltshirehealthandcare@nhs.net](mailto:ask.wiltshirehealthandcare@nhs.net)