

Privacy Statement for service users

May 2018

Key Points

- **Why we use your personal data:** We typically use your personal information (including information special categories of personal data such as your health, genetic data and biometric data) to provide safe and effective care and treatment to you.
- **Who else has access to your personal data?** In order to provide you with the care and treatment you need, we may share your personal information with third parties, such as other public sector organisations and third party service providers.
- **Security of your personal data:** We respect the security of your data and treat it in accordance with the law.
- **Transferring your data internationally:** We may transfer your personal data outside of the EU at your request and with appropriate safeguards in place.

1 WHAT IS THE PURPOSE OF THIS PRIVACY STATEMENT?

- 1.1 Under data protection legislation we are required to explain to our service users why we collect information about you, how we intend to use that information and whether we will share this information with anyone else.
- 1.2 This statement applies to all of our current and former service users.
- 1.3 It is important that you read this statement so that you know how and why we collect and use your personal information. It is important that you inform us of any changes to your personal information (such as your contact details) we hold about you so that the information which we hold is accurate and current.

2 WHO ARE WE?

- 2.1 We are Oxleas NHS Foundation Trust (**Oxleas**). We can be contacted by writing to our Information Governance Team at ICT Department, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Dartford, Kent DA2 7AF or oxl-tr.igteam@nhs.net or by telephoning us on 01322 299853 or 01322 299857.
- 2.2 If you would like to raise a complaint with Oxleas in relation to how or why we collect and process your personal information, please contact our Complaints Service by writing to Complaints Service, Oxleas NHS Foundation Trust, Pinewood House, Pinewood Place, Dartford, Kent DA2 7WG or oxl-tr.complaints@nhs.net or by telephoning 01322 625751.
- 2.3 Oxleas is a "data controller" in respect of the information we hold about you. This means that we are responsible for deciding how we use your personal information.

3 OUR DATA PROTECTION OFFICER

- 3.1 Our Data Protection Officer is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.
- 3.2 If you have any concerns or questions about our use of your personal information, you can contact our Data Protection Officer, by phone on 01322 299872, or by email at oxl-tr.dpo@nhs.net or by writing to The Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF.

4 TYPES OF PERSONAL INFORMATION WE USE

- 4.1 We may collect the following information about you:
- 4.1.1 **personal details** (such as name, date of birth, gender and NHS number);
 - 4.1.2 **contact details** (such as your address, personal telephone number and personal email address);
 - 4.1.3 **information about your family, friends and carer's** (such as dependants, next of kin and emergency contact numbers);
 - 4.1.4 **information about your care preferences** (to enable us to ensure that we are providing you with the care that you want);
 - 4.1.5 **information about external healthcare providers** (such as your GP and practice details);
 - 4.1.6 **information you provide in consultation or therapy sessions** (such as concerns discussed and any decisions made);
 - 4.1.7 **security information** (such as CCTV footage); and
 - 4.1.8 **incoming and outgoing telephone conversations** may be recorded for monitoring purposes.
- 4.2 We ask that you do not provide us with an email address that you share with others as this may compromise your confidentiality.

Special categories of personal data

- 4.3 Some of the information which we collect about you may be "special categories of personal data". Special categories of data require a greater level of protection. The special categories of personal data about you which we may collect include:
- 4.3.1 information about your **racial or ethnic origin**;
 - 4.3.2 information about your **religious beliefs**;
 - 4.3.3 information about your **sex life and sexual orientation**;
 - 4.3.4 **healthcare information**, including:
 - (a) any disabilities or special requirements which you may have;
 - (b) medical records such as medication requirements, allergies and health conditions;
 - (c) your medical history, including information around previous health issues, any medical care you have received, including operations and medications and previous hospital visits;

- (d) other records such as risk assessments, care plans and records of the care we provide to you; and
- (e) details of your support and care needs.

5 SOURCE OF YOUR PERSONAL INFORMATION

- 5.1 The above information which we collect about you will be obtained through a variety of sources which include:
- 5.1.1 from you directly via any direct access with our healthcare services;
 - 5.1.2 from your friends and relatives who may provide us with information about you;
 - 5.1.3 from anyone who has the authority to act on your behalf such as a power of attorney or deputy;
 - 5.1.4 from your GP;
 - 5.1.5 from other healthcare professionals and officers in the local authority, social services department and emergency services; and
 - 5.1.6 from any other (current and/or previous) healthcare and care providers.

6 HOW AND WHY WE USE YOUR PERSONAL INFORMATION

- 6.1 We use the types of personal information listed above for a number of purposes, each of which has a "lawful basis". In accordance with the data protection laws, we need a "lawful basis" for collecting and using information about you. There are a variety of different lawful bases for using personal information which are set out in the data protection laws.
- 6.2 We have set out below the different purposes for which we collect and use your personal information, along with the lawful bases we rely on to do so.

Why we use your information	Our lawful basis for using your information
<p>To keep and maintain an accurate record of your medical history: To help inform decisions that we make about your care, including diagnosis, decisions around medical intervention and prescriptions and to plan your care and treatment.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p>
<p>To provide you with safe and effective care and treatment: To provide you with safe, appropriate and personalised care and treatment as one of our service users and ensure that we meet your individual requirements. This will include us using your personal information for the following reasons:</p> <ul style="list-style-type: none"> • delivering the healthcare and personal care you require; • determining your capacity for decision 	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p>

Why we use your information	Our lawful basis for using your information
<p>making;</p> <ul style="list-style-type: none"> • meeting your dietary requirements; and • reviewing care provided to ensure it is meeting your needs. 	
<p>To work effectively with other organisations who may be involved in your care: To send information regarding your health to others, such as your GP, other healthcare and/or social care providers for continuity of care and to ensure that your needs are being met appropriately.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p>
<p>To communication with you: We will use your personal information to contact you/anyone who has authority to act on your behalf, regarding your health, care, treatment, appointments and/or test results. If you provide us with your mobile telephone number we will send you appointment reminders unless you ask us not to. If you provide us with your email address we will communicate with you by email unless you ask us not to.</p>	<p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p>
<p>For security: We may need to capture images of you as part of our security processes to ensure the safety of our staff, service users and members of the public. This may include the use of CCTV systems.</p>	<p>Legitimate interests: It is necessary for our legitimate interests (where they are not overridden by your rights).</p> <p>Health: It is necessary for the management of health and social care services.*</p>
<p>For monitoring: We may record incoming and outgoing telephone conversations</p>	<p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the management of health and social care services.*</p>
<p>To conduct clinical audits: To check the quality of care provided to you to identify areas where we may need to improve. We do this by collecting information from the records of groups of patients who have similar conditions or have received similar treatments, and comparing this with what we know are the best standards of care. This helps us to identify areas where we need to make improvements. Information is anonymised as soon as possible. Further information is available from</p>	<p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p>

Why we use your information	Our lawful basis for using your information
<p>the Healthcare Quality Improvement Partnership: https://www.hqip.org.uk/.</p>	
<p>To improve our services: You may choose to complete our NHS Patient Survey Programme or contact the Patient Experience Team, to help us to improve the services we provide to you and others on 0203 871 5654 or 01322 625703 or visit the website: http://oxleas.nhs.uk/your-views/</p>	<p>Consent: We will only use your information in this way if you have provided your consent/explicit consent for us to do so.*</p>
<p>To conduct medical research: To help plan services, improve care provided and to conduct research into developing new treatments and preventing diseases, understanding more about disease risks and causes, improving diagnosis and improving patient safety.</p>	<p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the purposes of medical diagnosis, and the provision of health or social care or treatment.*</p> <p>Research: It is necessary for scientific research purposes.*</p>
<p>To investigate concerns or complaints: To ensure that any concerns or complaints you may have about your healthcare are appropriately investigated and responded to.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the provision of health or social care or treatment.*</p>
<p>For safeguarding and regulation: We use your personal data for the purpose of safeguarding and regulation of care.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Official authority: It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.</p> <p>Health: It is necessary for the provision of health or social care or treatment.*</p>
<p>To collect data about public health matters: To protect against serious cross-border threats to health or ensuring high standards of quality and safety of health care, medical products or devices.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Public interest: It is necessary in the interest of public health.*</p>
<p>* This is an additional lawful basis which we need to rely on in order to use special categories of data such as information about your health.</p>	

7 HOW WE USE INFORMATION ABOUT CRIMINAL CONVICTIONS OR OFFENCES

- 7.1 If information regarding any criminal conviction or offence is recorded in your health records (for example, if you received care or treatment whilst in prison) and/or if you are brought to one of our premises due to/in connection with a criminal offence or conviction then we may collect/record information about your criminal convictions or offences. This is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority and for the purposes of medical diagnosis.
- 7.2 Very occasionally, we may need to use this information to respond to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent / where you have already made the information public.

8 WHAT MAY HAPPEN IF YOU DO NOT PROVIDE YOUR PERSONAL INFORMATION?

- 8.1 If you refuse to provide certain information when requested, we may not be able to provide you with safe and effective care and treatment.

9 COMPLYING WITH DATA PROTECTION LAW

- 9.1 We will comply with data protection law. At the heart of data protection laws are the "data protection principles" which say that the personal information we hold about you must be:
- 9.1.1 used lawfully, fairly and in a transparent way;
 - 9.1.2 collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
 - 9.1.3 relevant to the purposes we have told you about and limited only to those purposes;
 - 9.1.4 accurate and kept up to date;
 - 9.1.5 kept only as long as necessary for the purposes we have told you about; and
 - 9.1.6 kept securely.

10 SHARING YOUR INFORMATION

- 10.1 We may share your personal information with third parties where we have a lawful basis for doing so. Some "third parties" are service providers (including contractors and designated agents) carrying out activities on our behalf. Other third parties will be data controllers in their own right. This means that they are not required to act on our instructions and they are solely responsible for ensuring that they comply with the law when using your personal information. We are not responsible for their use of your data if we are acting lawfully whenever we share your data with them.
- 10.2 The types of third parties with whom we share your personal data are as follows:
- 10.2.1 **Your friends, family, carers and others:** including anyone who has the authority to act on your behalf such as a power of attorney or deputy, where appropriate to do so for the provision of your health or social care, in the vital interests of you or others (or with your consent where applicable);
 - 10.2.2 **Other healthcare providers and multi-disciplinary teams:** for direct care purposes, we will share information about you with other healthcare providers such as your GP, hospital staff, emergency services etc, including professionals in south east London via Local Care Record and Connect Care, which have been linked together so that relevant information about you can be safely shared between the staff who need it across south east London (more information is available via <http://www.kingshealthpartners.org/localcarerecord> and <https://www.lewishamandgreenwich.nhs.uk/connectcare>);

- 10.2.3 **Regulators / safeguarding authorities / commissioners:** we also share your personal data with these public bodies where we are required to do so by law or a regulatory obligation;
- 10.2.4 **Serenity Integrated Mentoring:** where it is lawful to do so, we will share your information using SIM, an integrated model of care, bringing police and mental health professionals together into joint mentoring teams where they support service users who are struggling to manage high frequency and high-risk crisis behaviours. More information is available via <https://www.highintensitynetwork.org/>;
- 10.2.5 **The Police and other law enforcement agencies:** in limited circumstances we may share your personal data with the police if required for the purposes of criminal investigations and law enforcement;
- 10.2.6 **Service providers:** such as external IT providers, systems maintenance providers, language and sign language interpretation/translation and telephone call recording for monitoring purposes;
- 10.2.7 **Professional advisors:** such as lawyers, in the exercise or defence of legal claims;
- 10.2.8 **Charitable organisations:** such as organisations that can help with support for you and your family, provision of hospice care and funding of treatments, with your consent;
- 10.2.9 **NHS complaints committees:** in compliance with our legal obligations and for the management of health and social care systems;
- 10.2.10 **Cancer registries:** in compliance with our legal obligations and for the management of health and social care systems; and
- 10.2.11 **Bulk mailing providers:** in order to communicate with service users to satisfy our legal obligations and provide you with relevant healthcare information.

11 TRANSFERRING INFORMATION OUTSIDE THE EEA

- 11.1 We may transfer your personal information outside the EEA, where you have made such a request (for example, where you have moved abroad or are receiving treatment outside of the EEA), if it is necessary in the exercise of our official authority and for the purposes of medical diagnosis and the provision of health, social care or treatment.
- 11.2 Where we are transferring your personal data outside of the EEA, we will ensure that appropriate safeguards are in place to protect your information and we will discuss this with you to ensure that you are satisfied with these arrangements.

12 CAN WE USE YOUR INFORMATION FOR ANY OTHER PURPOSE?

- 12.1 We typically will only use your personal information for the purposes for which we collect it. It is possible that we will use your information for other purposes as long as those other purposes are compatible with those set out in this policy. If we intend to do so, we will provide you with information relating to that other purpose before using it for the new purpose.
- 12.2 We may also use your personal information for other purposes where such use is required or permitted by law.

13 STORING YOUR INFORMATION AND DELETING IT

- 13.1 Personal information is retained in accordance with national guidance from the Department of Health and Social Care and the Records Management Code of Practice for Health and Social Care 2016. The retention period will depend on the type of care you have received from us. The retention periods are set out here: <https://digital.nhs.uk/binaries/content/assets/legacy/pdf/n/b/records-management-cop-hsc-2016.pdf>.

- 13.2 We store your personal information in both electronic and hard copy form. In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Records of clinical audits are anonymised as soon as possible and destroyed after five years.

14 SECURITY OF YOUR INFORMATION

- 14.1 The information that you provide will be stored securely on our systems. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those authorised to access it. All our staff are required to abide by a strict code of conduct on confidentiality and follow our policies and procedures regarding security and confidentiality.
- 14.2 We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

15 YOUR RIGHTS

- 15.1 Under certain circumstances, by law you have the right to:
- 15.1.1 **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
 - 15.1.2 **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
 - 15.1.3 **Request erasure** of your personal information in certain circumstances. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below). This right is not exercisable where we are processing your personal information for health and social care purposes.
 - 15.1.4 **Object to processing** of your personal information if we are relying on a legitimate interest (or those of a third party) or Official authority as our lawful basis for processing and there is something about your particular situation which leads you to object to processing on this ground.
 - 15.1.5 **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
 - 15.1.6 **Request the transfer** of your personal information to another party in certain circumstances. This right is only available where we are processing your information with your consent and the processing is automated.
- 15.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.

16 NATIONAL DATA OPT-OUT

- 16.1 Whenever you use a health or care service important information about you is collected to help ensure you get the best possible care and treatment. This information can also be provided to other approved organisations, where there we have a legal basis for doing so, to help with planning services, improving care provided, research into developing new treatments and preventing illness. All of these help to provide better health and care for you, your family and future generations.

- 16.2 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.
- 16.3 You have a choice about whether you want your confidential patient information to be used in this way. To find out more about the wider use of confidential personal information and to register your choice to opt-out if you do not want your data to be used in this way, visit <https://digital.nhs.uk/services/national-data-opt-out-programme>. If you do choose to opt-out, you can still consent to your data being used for specific purposes.
- 16.4 If you are happy with this use of your information you do not need to do anything. You can change your choice at any time.

17 RIGHT TO WITHDRAW CONSENT

- 17.1 In the limited circumstances where we are relying on your consent as our lawful basis to process your data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Officer in writing to Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF or by email to oxl-tr.dpo@nhs.net.
- 17.2 Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

18 AUTOMATED DECISION MAKING

- 18.1 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

19 HELPING TO IMPROVE OUR SERVICES

- 19.1 At Oxleas, the views of our service users and carers are at the heart of improving the way we deliver services. For more information on how you can help improve our services please visit the NHS Patient Survey Programme www.nhssurveys.org/ or the Patient Experience Team <http://oxleas.nhs.uk/your-views/> or contact the Patient Experience Team on 0203 871 5654 or 01322 625703.

20 RIGHT TO COMPLAIN TO THE ICO

- 20.1 You have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

21 CHANGES TO THIS PRIVACY STATEMENT

- 21.1 We reserve the right to update this privacy statement at any time, and we will provide you with a new privacy statement when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.