

Privacy Notice – East of England Community FCAMHS

East of England Community FCAMHS keeps data on you, which includes details relating to:

- who you are
- where you live
- your next of kin/family
- key professionals involved in your care
- your problems and/or diagnoses
- the reason(s) why a referral to our service has been made
- any relevant background information, including updates or previous correspondence relating to your care from other professionals
- notes summarising any discussions held between FCAMHS and other professionals about you
- your appointments - where you are seen, when you are seen and who by,
- the details of any assessments, care plans and outcomes,
- referrals to specialists/other healthcare providers,
- your treatment history, including treatment outcomes
- the observations and opinions of other healthcare workers and/or professionals who are/have been involved in your care.

A copy of correspondence from the FCAMHS team is copied to your GP, so that they are kept aware of updates to your care. This applies in cases also, whereby FCAMHS do not meet with a young person directly but instead have a discussion with a professional involved in the young person's care.

The FCAMHS team may need to contact other NHS teams or external agencies (for example, education and social care) to gather and/or share information about your care. The FCAMHS clinician will discuss this with you. If you don't agree, we will discuss with you the possible effect this may have on your care and the alternatives available. Each time FCAMHS shares information with other services about you, we will record what has been shared and the reason for doing so, in the appropriate place in your record.

We have a duty to keep information about you private and confidential. There may be occasions (for example, where it is felt that you or someone else may be at risk) where it is necessary for the FCAMHS clinician to share information without your consent. This will be done in accordance with Trust policy, common law and the Data Protection Act, as appropriate. In these circumstances, the information shared will be kept to the minimum necessary and will be handled under the terms of the NHS Confidentiality Code of Practice

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

Privacy Notice – East of England Community FCAMHS

<p>1) Data Controller contact details</p>	<p>The Data Controller is the Clinical Director of Children’s, Young People and Families Directorate, Cambridgeshire and Peterborough NHS Foundation Trust.</p>
<p>2) Data Protection Officer contact details</p>	<p>Kay Taylor</p>
<p>3) Purpose of the processing</p>	<p>The primary purpose of processing the patient data is patient care.</p> <p>FCAMHS will also be able to evaluate the service from reviewing the data going forward.</p>
<p>4) Lawful basis for processing</p>	<p>The processing of personal data in the delivery of indirect and direct care, for providers’ administrative purposes and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p style="text-align: center;"><i>Article 6(1)</i></p> <p style="text-align: center;"><i>(d) ‘processing is necessary in order to protect the vital interests of the data subject or of another natural person’</i></p> <p style="text-align: center;"><i>(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p style="text-align: center;"><i>Article 9(2)</i></p> <p style="text-align: center;"><i>(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5) Recipient or categories of recipients of the processed data</p>	<p>Correspondence from FCAMHS will be copied to the child’s GP.</p> <p>It may be that FCAMHS clinicians share information with family members or other professionals involved in a child’s case - either whereby a child has consented for this to happen or whereby it is felt that sharing information with others is in the best interests of the child in order to protect them and/or others.</p>
<p>6) Rights to object</p>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller. You have a right to raise an objection. However, you should be aware that that is not the same as having an absolute right to have your wishes granted in every circumstance</p>

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7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a Court of Law.
8) Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 .
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office. You can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

* "Common Law Duty of Confidentiality": Common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that, if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.