

### What is a privacy notice and why issue it?

A Privacy Notice is a statement by the Trust to patients, service users, visitors, carers, the public, and staff, that describes how we collect, use, retain, and disclose personal information which we hold.

It is sometimes also referred to as a Privacy Statement, Fair Processing Statement, or Privacy Policy. This privacy notice is part of our commitment to ensure that we process your personal information/data fairly and lawfully.

Cambridgeshire and Peterborough NHS Foundation Trust recognises the importance of protecting personal and confidential information in all that we do and takes care to meet its legal and regulatory duties.

This notice is one of the ways in which we can demonstrate our commitment to being transparent and open and to our values of Professionalism, Respect, Innovation, Dignity, and Empowerment.

This notice also explains

Who we are?

Why we collect personal information about you?

What is our legal basis for processing your personal information?

What personal information do we need to collect about you and how do we obtain it?

What do we do with your personal information and what we may do with your personal information?

Who do we share your personal information with and why?

How we maintain your records?

What are your rights?

Who is the Data Protection Officer?

How to contact the Information Commissioners Office

### Who are we?

We are a health and social care organisation **dedicated to providing high quality care with compassion**. We deliver NHS services across Cambridgeshire with clinical teams providing different services in inpatient, community, and primary care settings, such as physical, mental health and specialist services.

Our Services include:

- Adult mental health
- Forensic and specialist mental health
- Older people's mental health

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- Children's mental health
- Children's community
- Older people and adult community
- Specialist learning disability
- Primary care and liaison psychiatry
- Substance misuse
- Social care
- Research and development

We support a population of just under a million people and employ nearly 4,000 staff. Our biggest bases are at the Cavell Centre, Peterborough, and Fulbourn Hospital, Cambridge, but our staff are based in more than 50 locations.

Our Trust is registered with the Information Commissioner's Office (ICO) to process personal and special categories of information under the Data Protection Act 2018 (subject to parliamentary approval) and our registration number is Z6521629

### **What is our legal basis for processing information about you?**

Any personal information we hold about you is processed for the purposes of 'provision of health or social care or treatment or the management of health of social care systems and services under chapter 2, section 9 of the Data Protection Act 2018 (subject to parliamentary approval).

And under the General Data Protection Regulation:

Sensitive personal data (Health Records) under 9(2)(h) – "Necessary for the reasons of preventative or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services" and occasionally 9(2)(c) "when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent"

Personal data under 6(1)(e) "Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust (Data Controller)" and occasionally 6(1)(d) "when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent"

For further information on this legislation please visit: <http://www.legislation.gov.uk/>

### **Why and how we collect personal information about you**

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We may ask for or hold personal confidential information about you which will be used to support delivery of appropriate care and treatment. This is to support the provision of high quality care

Basic details will include: Your name, address (including correspondence), telephone numbers, date of birth, next of kin contacts and your GP details, etc.

We might also hold your email address, marital status, occupation, overseas status, place of birth and preferred name or maiden name

In addition to the above, we may hold sensitive personal information about you which could include:

- Notes and reports about your health, treatment and care, including
  - your medical condition
  - results of investigations, such as x-rays and laboratory tests
  - future care you may need
  - personal information from people who care for and know you, such as relatives and health or social care professionals
  - other personal information such as smoking status and any learning disabilities
- Your religion
  - Ethnic origin
  - Sexuality
  - Whether or not you are subject to any protection orders regarding your health, wellbeing and human rights (safeguarding status).

It is important for us to have a complete picture, as this information assists staff involved in your care to deliver and provide improved care, deliver appropriate treatment and care plans, to meet your needs.

Information is collected in a number of ways, via your healthcare professional, referral details from your GP or directly given by you or your authorised representative.

***It is essential that your details are accurate and update to avoid any mistakes. You should always check that your details are current and inform us of any changes as soon as possible.***

### How we use your information

Your records are used to directly, manage and deliver healthcare to you to ensure that:

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- The staff involved in your care have accurate and up to date information to assess and advise on the most appropriate care for you.
- Staff have the information they need to be able to assess and improve the quality and type of care you receive.
- Appropriate information is available if you see another healthcare professional, or are referred to a specialist or another part of the NHS, social care or health provider

The personal information we collect about you may also be used to:

- Remind you about your appointments and send you relevant correspondence.
- review the care we provide to ensure it is of the highest standard and quality, e.g. through audit or service improvement;
- support the funding of your care, e.g. with commissioning organisations;
- prepare statistics on NHS performance to meet the needs of the population or for the Department of Health and other regulatory bodies;
- help to train and educate healthcare professionals;
- report and investigate complaints, claims and untoward incidents;
- report events to the appropriate authorities when we are required to do so by law;
- review your suitability for research study or clinical trial
- contact you with regards to patient satisfaction surveys relating to services you have used within our hospital so as to further improve our services to patients
- monitor how we spend public money

Where possible, we will always look to anonymise/ pseudonymise your personal information so as to protect patient confidentiality, unless there is a legal basis that permits us to use it and we will only use/ share the minimum information necessary.

There is huge potential to use your information to deliver care and improve health and care services across the NHS and social care. The information can be used to help:

- Improve individual care.
  - Understand more about disease risks and causes.
  - Improve diagnosis.
  - Develop new treatments and prevent disease.
  - Plan services.
  - Improve patient safety.
- Evaluate Government, NHS, and Social Care policy

### **Who do we share your information with and why?**

We may need to share relevant personal information with other NHS organisations. For example, we may share your information for healthcare purposes with health

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authorities such as NHS England, Public Health England, other NHS trusts, general practitioners (GPs), ambulance services, primary care agencies, etc. We will also share information with other parts of the NHS and those contracted to provide services to the NHS in order to support your healthcare needs.

We may need to share information from your health records with other non-NHS organisations from which you are also receiving care, such as Social Services or private care homes. However, we will not disclose any health information to third parties without your explicit consent unless there are circumstances, such as when the health or safety of others is at risk or where current legislation permits or requires it.

We may also be asked to share basic information about you, such as your name and parts of your address, which does not include sensitive information from your health records. Generally, we would only do this to assist them to carry out their statutory duties (such as usages of healthcare services, public health or national audits). **In these circumstances, where it is not practical to obtain your explicit consent, we are informing you through this notice, which is referred to as a Privacy Notice, under the Data Protection Act.**

There are occasions where the Trust is required by law to share information provided to us with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud

There may also be situations where we are under a duty to share your information, due to a legal requirement. This includes, but is not limited to, disclosure under a court order, sharing with the Care Quality Commission for inspection purposes, the police for the prevention or detection of crime or where there is an overriding public interest to prevent abuse or serious harm to others and other public bodies (e.g. HMRC for the misuse of public funds in order to prevent and detect fraud).

The Trust is required to protect your personal information, inform you of how your personal information will be used, and allow you to decide if and how your personal information can be shared. Personal information you provide to the Trust in confidence will only be used for the purposes explained to you and to which you have consented.

Unless, there are exceptional circumstances, such as when the health or safety of others is at risk, where the law requires it or there is an overriding public interest to do so.

Where there is cause to do this, the Trust will always do its best to notify you of this sharing.

### **How your information is retained and kept safe**

Your personal information is held in both paper and electronic forms for specified periods of time as set out in the NHS Records Management Code of Practice for Health and Social Care and National Archives Requirements.

We hold and process your information in accordance with the Data Protection Act 2018 (subject to Parliamentary approval) as amended by the GDPR 2016.

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In addition, everyone working for the NHS must comply with the Common Law Duty of Confidentiality and various national and professional standards and requirements.

We have a duty to:

- maintain full and accurate records of the care we provide to you;
- keep records about you confidential and secure;
- provide information in a format that is accessible to you.

### What are your rights?

If we need to use your personal information for any reasons beyond those stated above, we will discuss this with you and ask for your explicit consent. The Data Protection Act 2018 (subject to parliamentary approval) gives you certain rights, including the right to:

- **Request access to the personal data we hold about you**, e.g. in health records. The way in which you can access your own health records is further explained in our 'Access to Health Records Policy'.
- **Request the correction of inaccurate or incomplete information** recorded in our health records, subject to certain safeguards. This is also explained in our 'Access to Health Records Procedure'.
- **Refuse/withdraw consent** to the sharing of your health records: Under the Data Protection Act 2018 (subject to parliamentary approval), we are authorised to process, i.e. share, your health records 'for the management of healthcare systems and services'.

Your consent will only be required if we intend to share your health records beyond these purposes, as explained above (e.g. research). Any consent form you will be asked to sign will give you the option to 'refuse' consent and will explain how you can 'withdraw' any given consent at a later time. The consent form will also warn you about the possible consequences of such refusal/withdrawal.

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 the Trust 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.

- **Request your personal information to be transferred** to other providers on certain occasions.
- **Object to the use of your personal information**

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You have the right to restrict how and with whom we share information in your records that identifies you. If you object to us sharing your information we will record this explicitly within your records so that all healthcare professionals and staff involved with your care are aware of your decision. If you choose not to allow us to share your information with other health or social care professionals involved with your care, it may make the provision of treatment or care more difficult or unavailable.

Please discuss any concerns with the clinician treating you so that you are aware of any potential impact. You can also change your mind at any time about a disclosure decision.

In certain circumstances you may also have the right to 'object' to the processing (i.e. sharing) of your information where the sharing would be for a purpose beyond your care and treatment (e.g. as part of a local/regional data sharing initiative). This so called "Data Opt-out" initiative, developed by Dame Caldicott, is set to commence in March 2018 and conclude in March 2020. Further information can be found on the following website: <https://digital.nhs.uk/national-data-opt-out>

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

### **SMS Text Messaging**

When attending the Trust for an appointment or procedure patients may be asked to confirm their contact number / mobile telephone number. Where applicable this will be used to provide appointment details via SMS text messages and automated calls to advise you of appointment times.

Should you not wish to receive automated texts then please inform the relevant department involved)

### **Surveillance Cameras (CCTV)**

We employ surveillance cameras (CCTV) on and around our sites in order to:

- protect staff, patients, visitors and Trust property
- apprehend and prosecute offenders, and provide evidence to take criminal or civil court action
- provide a deterrent effect and reduce unlawful activity
- help provide a safer environment for our staff
- assist in traffic management and car parking schemes
- monitor operational and safety related incidents
- help to provide improved services, for example by enabling staff to see patients and visitors requiring assistance
- assist with the verification of claims

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You have a right to make a Subject Access Request of surveillance information recorded of yourself and ask for a copy of it. Requests should be directed to the address below and you will need to provide further details as contained in the section 'How you can access your records'. The details you provide must contain sufficient information to identify you and assist us in finding the images on our systems.

We reserve the right to withhold information where permissible by the General Data Protection Regulation (GDPR) 2018 and we will only retain surveillance data for a reasonable period or as long as is required by law. In certain circumstances (high profile investigations, serious or criminal incidents) we may need to disclose CCTV data for legal reasons. When this is done there is a requirement for the organisation that has received the images to adhere to the GDPR.

### Data Protection Officer

Please contact the Data Protection Officer at

Information Governance Team  
Cavell Centre  
Edith Cavell HealthCare Campus  
Bretton Gate  
Peterborough  
PE39GZ  
Information Governance Team

Or via [informationgovernance@cpft.nhs.uk](mailto:informationgovernance@cpft.nhs.uk)

### Information Commissioners Office

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information legislation. <https://ico.org.uk/>. If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the. ICO at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)