

# Patient Privacy Notice

**This privacy notice explains what information we collect from you, how we store this, how long we retain it, and with whom and for which legal purpose we may share it.**

## **An introduction to the General Data Protection Regulations (GDPR)**

Your personal information is very important to you – and to us. The way we keep, collect and use information about you has developed alongside technology. The laws that govern the use of your personal data have changed to cover these developments.

From 25 May 2018, the UK must adhere to the new Data Protection laws – which are known as the General Data Protection Regulations (GDPR).

## What does this mean for me and my data?

- You're better protected

The new rules make sure that all organisations are set up to protect any personal data they hold, and to act if something goes wrong. Rest assured, robust security has always been a crucial part of everything we do.

- You have more control

You have a right to have your privacy respected and your data protected. The new law gives you easier access to the personal information we hold about you, if you wish to check or change it. It is designed to give you confidence that this information is accurate, up to date, and well managed.

You can choose who can contact you, and how. You can change your mind at any time. You can control if and how we contact you, for example by email or phone. We must give you the opportunity to change your mind about the choices you have made. This helps to give you options and keep you in control.

## Our services

East Suffolk and North Essex NHS Foundation Trust (ESNEFT) serves the geographical area of East Suffolk and North Essex with a population of more than 700,000. We are two acute hospitals (Colchester Hospital and Ipswich Hospital), but we are also responsible for and/or utilise the following community services:

- Aldeburgh Community Hospital
- Felixstowe General Hospital
- Bluebird Lodge
- Hartismere Place
- Foot and Ankle Service
- Community Nursing Services (East Suffolk)
- North East Essex Community Services (NEECS)
- Clacton and Harwich Community Hospitals
- Halstead Hospital
- North East Essex and Suffolk Pathology Services (NEESPS)

<p><b>How do I access my medical records?</b></p>	<p>Your medical and healthcare information is just that – yours. You can access the information we hold about you at any time – and at no additional cost.</p> <p>If you would like to see the information we hold about you, you can request a copy of your medical records.</p> <p>There is no charge for this services, and all requests will be completed within one calendar month.</p> <p>If this is something you would like to do, please visit our website at <a href="https://www.esneft.nhs.uk/about-us/privacy/access-to-your-medical-records/">https://www.esneft.nhs.uk/about-us/privacy/access-to-your-medical-records/</a> to submit your request to the Access to Health Records portal.</p> <p>Alternatively, you can email the team at: <a href="mailto:SAREsneft@esneft.nhs.uk">SAREsneft@esneft.nhs.uk</a></p>
<p><b>What is our legal basis for processing your personal information?</b></p>	<p>Under the Data Protection Act 2018 and Article 6 of the GDPR, we must have a lawful basis to process, share and store your information. These are: consent, contract, legal obligation, vital interests, public task, and legitimate interests.</p> <p>In the majority of cases, the Trust will rely on the Public Task (Article 6(1)(e)) lawful basis to process and share your information. In order to process special category data, such as medical information, we must have a second lawful basis under Article 9 of the GDPR. In the majority of cases, the Trust will use the “Provision of Health and Social Care (Article 9(2)(h))” lawful basis to process special category data.</p> <p>When your information is processed to manage health emergencies such as COVID-19, the legal basis is “the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” under the GDPR Article 6(1)(e) and “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health” under the GDPR Article 9(2)(i).</p>
<p><b>What are my rights under GDPR?</b></p>	<p>You have a number of rights regarding your data under GDPR:</p> <p><b>The right to request access</b></p> <p>You have the right to obtain:</p> <ul style="list-style-type: none"> <li>• confirmation that your data is being processed</li> </ul>

- access to your personal data
- other information
- evidence that we treat your information within the rules of the law.

### **The right to be informed**

- You have the right to be informed about the collection and use of your personal information.
- We must provide you with information including: our purposes for processing your personal information, our retention periods for that personal information, and who it will be shared with. We call this 'privacy information'.

### **The right to request rectification**

- You have the right to ask that any information you believe is inaccurate be corrected or completed if it is incomplete.

### **The right to request erasure**

- You have the right to ask that we delete any information we hold about you. This is also known as the right to be forgotten.

### **The right to restrict processing**

- This means that you can limit the way we share your information. This is an alternative to requesting the erasure of your information.
- This means that we can hold your information but we cannot use it or share it with external organisations.

	<p><b>The right to object</b></p> <ul style="list-style-type: none"> <li>• to us using your information for reasons other than to provide you with care</li> <li>• to your information being used for direct marketing (including profiling)</li> <li>• to your information being used for purposes of scientific or historical research and statistics</li> </ul>
<p><b>How do I withdraw consent from sharing my information?</b></p>	<p>If you were asked to give consent for your information to be shared and you no longer wish for this to happen, you can request to withdraw your consent at any time. All requests will be considered on a case-by-case basis.</p> <p>You can also request the following:</p> <ul style="list-style-type: none"> <li>• To have information you believe to be incorrect, corrected (Right to Rectification)</li> <li>• To have your information erased (Right to Erasure)</li> <li>• The processing of your information restricted (Right to Restrict Processing)</li> </ul> <p>If this is something you wish to do please contact:  Sarah Preston, Head of Information Governance and Data Protection Officer  Ipswich Hospital, Heath Road, Ipswich IP4 5PD  Email: <a href="mailto:foi@esneft.nhs.uk">foi@esneft.nhs.uk</a></p>
<p><b>What information do you collect from me?</b></p>	<p>We collect and store personal identifiable information about you in order to provide you with the necessary investigations, care and treatment that you need. This information includes but is not restricted to:</p> <ul style="list-style-type: none"> <li>• full name</li> <li>• date of birth</li> <li>• address</li> <li>• contact details (phone number/email address)</li> <li>• NHS number</li> <li>• details of current medical information</li> <li>• details of care and treatment previously provided by us</li> </ul>

	<ul style="list-style-type: none"> <li>• information received from other health care providers</li> <li>• information sent to other health care providers.</li> </ul>
<b>Where do you get my information from?</b>	<p>The hospital first receives information about you from the professional who refers you for further investigation or treatment. This may be:</p> <ul style="list-style-type: none"> <li>• your GP</li> <li>• another hospital</li> <li>• social care providers</li> <li>• community health services</li> <li>• private care practitioners</li> <li>• other care providers.</li> </ul> <p>When you attend the hospital we then record information you give us directly</p>
<b>How do you protect my information?</b>	<p>All staff employed by ESNEFT are required to undertake mandatory annual training about their role and responsibilities when collecting and handling personal data.</p> <p>We keep your information safe and secure and comply with industry standards such as Cyber Security Essentials and the Data Security and Protection Toolkit. We only share your data in a way that identifies you when absolutely necessary and never sell it onto third parties.</p>
<b>What do you do with my information?</b>	<p>Most importantly we use your information to provide you with the care and treatment you need. In addition to this:</p> <ul style="list-style-type: none"> <li>• we may need to use your information to help us protect the health of the public for example; monitoring of certain infectious diseases such as tuberculosis</li> <li>• to ensure the Trust runs efficiently, plans for the future, trains its staff, pays its bills and can account for its actions</li> <li>• your information may be used for the benefit of clinical research</li> <li>• you may need to receive care or equipment from other providers therefore we would need to share your information so that they can provide you with the necessary equipment or care and treatment you need</li> </ul>

	<ul style="list-style-type: none"> <li>• in certain circumstances we are required by law to share your information with other organisations and authorities</li> <li>• your information may be used to defend a legal claim or where a court instructs us to</li> <li>• we may use your information to protect your vital interests or the interests of any individuals when you are unable to give consent.</li> </ul> <p>There are occasions where we would like to use your information for reasons other than stated above.</p> <ul style="list-style-type: none"> <li>• This could mean providing your information to third parties who require it to test new technologies or providing your information to assess the services we currently provide so that we can improve them.</li> </ul> <p>Where we require your information for these purposes we would need your explicit consent to use it. This is because it is your information and we must have your consent to use it for any purpose other than those stated above.</p> <p>Please be assured that your care will not be affected if you do not provide consent for your information to be used for anything other than your direct care.</p> <p>If you do give your consent but later change your mind you have the right to withdraw your consent at any time.</p>
<b>Who do you share my information with?</b>	<p>Below is a list of some of the types of organisations we may share your information with:</p> <ul style="list-style-type: none"> <li>• GP practices</li> <li>• other NHS trusts</li> <li>• clinical commissioning groups</li> <li>• the police</li> <li>• community teams</li> <li>• social care providers</li> <li>• equipment providers</li> <li>• regulatory bodies</li> </ul>

	<ul style="list-style-type: none"> <li>• IT providers</li> <li>• support services</li> <li>• registry offices</li> <li>• coroners</li> <li>• funeral directors</li> <li>• medical schools</li> <li>• the Health Research Authority (if you have consented to participate in clinical research)</li> <li>• other healthcare providers</li> <li>• The Care Coordination Solution – which processes patient special category (health) personal data to support the better coordination of Elective Care. The aim is to improve the delivery of planned treatment through better use of the information that the Trust already holds. It aims to make sure the data is valid and accurate, and that the Trust can use the information to improve on the waiting times for elective care in the wake of the COVID-19 pandemic.</li> </ul>
<b>How long do you keep my information for?</b>	<p>How long we keep your information depends on what the information is.</p> <p>For up to date details about the retention periods please refer to the Information Governance Alliance Records Management Code of Practice for Health and Social Care, available on the NHS Digital website</p>
<b>Is my data held or transferred overseas?</b>	<p>All Trust servers are based in the UK however some of the service providers we use may hold your information outside the UK. If we do transfer your personal information outside the of the UK we will make sure that it is protected to the same extent as it would be within the UK.</p>
<b>Who is responsible for Data Protection at ESNEFT?</b>	<p>There are a number of roles within the Trust that have responsibility for protecting the information you provide us with.</p> <ul style="list-style-type: none"> <li>• The Senior Information Risk Owner (SIRO) is Mike Meers, Director of ICT and Chief Information Officer</li> <li>• The Caldicott Guardian is Dr Martin Mansfield, Deputy Chief Medical Officer</li> <li>• The Data Protection Officer (DPO) is Sarah Preston, Head of Information Governance</li> </ul>



	All our staff are required to access only the information they need to provide you with the care and treatment you need. They must also keep it safe and secure at all times.
<b>Any further questions or concerns?</b>	If you have any concerns about the security of your information please contact the Information Governance team via email at <a href="mailto:foi@esneft.nhs.uk">foi@esneft.nhs.uk</a>