Norfolk and Waveney Acute Trusts Electronic Patient Record – Privacy Notice

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Norfolk and Waveney Acute Trusts Electronic Patient Record (EPR) Privacy Notice

Background

We are embarking on **a new singular Electronic Patient Record (EPR**) Programme between our three (3) organisations.

What is a Privacy Notice?

This Privacy Notice tells you about the data we collect and hold about you, what we do with it, how we look after it and our intentions on sharing your data to support your health and social care.

This notice is focused on how the Acute Trusts use data collectively within the Norfolk and Waveney EPR Application. Specific details of how each organisation uses data in other applications can be found in their Privacy Notices, which can be found online at the JPUH Privacy Notice web page, NNUH Privacy Notice web page, and QEH Privacy Notice web page

Who we are?

The Norfolk and Waveney Acute Hospital Collaborative Trusts are:

- James Paget University Hospitals NHS Foundation Trust
- Norfolk and Norwich University Hospitals NHS Foundation Trust
- Queen Elizabeth Hospital King's Lynn NHS Foundation Trust

The three Trusts will be acting as joint data controllers for the purposes of the EPR programme. According to UK Data Protection legislation, Joint controllers are organisations which, between them, decide on the purpose and manner for the processing and have the same or shared purposes.

The three trusts are jointly accountable for the EPR Programme.

What is the use of data?

Our overarching aim and purpose are to make better use of data and digital technology to help us manage the health of patients being treated by the Acute Trusts.

The use of this data is for your direct care.

To satisfy our purpose, at different stages of the programme we will be undertaking, preparatory EPR purposes and activities that relate to the planning, design, communication and engagement as well as the migration of data, implementation and benefits assessment of the EPR.

Our commitment to Data Protection

The UK General Data Protection Regulation (UK GDPR), as incorporated into the Data Protection Act 2018 (DPA 2018), grants individual's certain information rights, designed to enable citizens to be informed about how their data will be used, and provide an opportunity to object, restrict, remove, or rectify any personal data about them.

This Notice describes how the Acute Trusts intend to use your information, and make transparent to you how your information will be used for this phase of EPR, i.e., pre-EPR.

- Processed lawfully.
- Restricted to only the health and social care data that the Acute Trusts hold about you.
- Stored in a secure environment.
- Restricted to authorised health and social care staff.
- Only be used to inform care and how we manage this care.

How will the Acute Trusts use your information?

Across the Acute Trusts, our aim is to manage the data we collect, process and store in an effective and efficient way that will be used to support the care we provide.

The Acute Trusts are purchasing an Electronic Patient Record Application which will enable us to consolidate data in a single secure environment.

We will share and consolidate i.e., bring together data from an individual's interactions with each of the Acute Trust's health and care professionals to create a single record in the EPR that can be used for the management of your health when being treated by any one of the Acute Trusts.

We will use third party organisations to process this data on our behalf. These third parties will be vetted to ensure that they meet the same standards as expected of a health and social care provider. The relationship will also be managed through contracts and Data Processing Agreements.

Our main supplier for the EPR is Meditech.

What personal data will we use?

Patients

The data will include the following types of information which is recorded when you have seen a health and social care professional.

- Demographic information such as: name, address, phone number
- NHS number and local patent identifiers
- Medical conditions
- Treatment provided and the contact the individual has had with the organisations.
- Care plans
- Referral information
- Accident and Emergency department treatment

- Discharge summaries
- Medication reviews
- Physical and mental health reports
- Care and support plans, and reviews
- Results of investigations, such as x-rays, scans, and laboratory tests

Please note that this list is not exhaustive.

Staff

The data will include the following types of information which is recorded in your electronic staff record.

- Full Name
- Trust Email address
- Speciality
- Location

Please note that this list is not exhaustive.

How will we process data?

To better manage health and treatment, The EPR helps us bring together data from all the Trusts into one place. To ensure that we use this data responsibly, role-based access will be in place, this means staff can only see your information if their job role requires it.

The lawful basis for processing your data

- **Statutory**: Laws passed by Parliament determine why it is lawful for us to undertake the EPR. For example, the NHS Act 2006, as well as some other laws place duties and powers on us which we have to satisfy and exercise. The Act requires us to deliver our services more effectively and efficiently (section 47) and to cooperate with one another in delivering our services (section 72)

- **Common Law Duty of Confidentiality:** – By virtue of the NHS Guide to Confidentiality in Health and Social Care, given that the purpose is Direct Care related, we will rely on implied consent as applicable to satisfy our Confidentiality obligations and not your explicit consent.

- **UK GDPR:** The Trusts will use the following GDPR Articles as the lawful reasons for processing your personal data:

  - 6(1)(c) - processing is necessary for compliance with a legal obligation.
  - 6(1)(d) - processing is necessary to protect the vital interests of the data subject or of another natural person.
  - 6(1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

- 9(2)(h) - …the provision of health or social care or treatment or the management of health or social care systems and services
- 9(2)(i) - processing is necessary for reasons of public interest in the area of public health.

Overseas transfers of personal data

The EPR data will be hosted on secure data centres located in London. Third party systems will also only be permitted to be located within the UK. Your personal data will not be transferred outside of the UK.

How long do we keep personal data?

Your personal data is kept securely and in line with the Records Management Code of Practice for Health and Social Care 2021.

National Data Opt-Out

The National Data Opt-Out was introduced on 25 May 2018, enabling people to opt out from the use of their data for research or planning purposes, in line with recommendations of the National Data Guardian in their Review of Data Security, Consent and Opt-Outs.

As this data is for direct patient care the National Data Opt-out does not apply.

Data Security

We will put in place measures to protect the security of your information.

Our third-party service providers will only process your personal information on our instructions or with our agreement, and where they have agreed to treat the information confidentially and to keep it secure.

We will treat the security of your data very seriously. We will have strict security standards, and all our staff and other people who process personal data on our behalf get regular training about how to keep information safe.

We will put in place appropriate technical, physical and managerial procedures to safeguard and secure the information we collect about you.

In addition, we will limit access to your personal information to those persons, or agents who have a business or legal need to do so.

We will have procedures to deal with any suspected data security breach and will notify you and the regulator of a suspected breach where we are legally required to do so.

Your information rights and further information

Information rights available by virtue of the legal basis applicable are:

Right to information about how the data is being handled	Yes, via this notice
Right of access to the information	Yes
Right to rectification (correct inaccuracies)	Yes
Right to erasure (deletion)	No
Right to restrict the information being used	No, because of public interest reasons
Right to portability (transfer the information)	No
Right to object to the information being used	No

As part of providing the services that are needed, you are not subject to automated processing, including profiling, which may produce legal effects concerning you or similarly, affect you.

To find out more information about your information rights, or to make a complaint about how we process your data. contact the individual Trusts Data Protection Officer via via **Information.Governance@jpaget.nhs.uk or info.gov@nnuh.nhs.uk, or IGHelp@qehkl.nhs.uk.**

If you are unhappy with the response or how we have used your data, you can make a complaint to the Information Commissioner's Office via:

- Information Commissioner's Office
- Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Tel: 01625 545 740 http://www.ico.gov.uk/

Changes to this notice

We may modify or amend this privacy notice at our discretion at any time. When we make changes to this notice, we will amend the last modified date at the top of this notice. Any modification or amendment to this privacy notice will be applied to you and your data as of that revision date. We encourage you to periodically review this privacy notice to be informed about how we are protecting your data.