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## Fair Processing Notice

**Confidentiality affects everyone:** Hertfordshire Partnership University NHS Foundation Trust (HPFT) collects, stores and uses large amounts of personal data every day, such as medical records, personal records and computerised information. This data is used by many people in the course of their work.

We take our duty to protect your personal information and confidentiality very seriously and we are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

At Trust Board level, we have appointed a Senior Information Risk Owner who is accountable for the management of all information assets and any associated risks and incidents, and a Caldicott Guardian who is responsible for the management of patient information and patient confidentiality.

### Who we are?

HPFT provides mental health and social care and specialist learning disabilities services in Hertfordshire, Buckinghamshire, Norfolk and North Essex for over 400,000 people.

We also deliver a range of nationally commissioned specialist services including Tier 4 services for children and young people, perinatal services and medium and low secure learning disabilities services.

We employ nearly 3,000 staff who deliver these services within the community as well as inpatient settings. We have operated as a NHS Foundation Trust since our authorisation in August 2007.

### How and why do we collect information about you?

The doctors, nurses and team of healthcare professionals caring for you keep records about your health and any treatment and care you receive from the NHS. These records help to ensure that you receive the best possible care. They may be written down in paper records or held on computer. These records may include:

- Basic details about you such as name, address, date of birth, next of kin, etc.
- Contact we have had with you such as appointments or visits.
- Notes and reports about your health, treatment and care.
- Results of assessments.
- Relevant information from people who care for you and know you well such as health professionals and relatives.

It is essential that your details are accurate and up to date. Always check that your personal details are correct when you visit us and please inform us of any changes as soon as possible.

## What is our legal basis for processing your personal information?

The processing of personal data in the delivery of direct care and for administrative purposes by HPFT and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:

*Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.*

*Article 9(2)(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...’*

We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”\*

## How your personal information is used

Your records are used to direct, manage and deliver the care you receive to ensure that:

- The doctors, nurses and other health and social care professionals involved in your care have accurate and up to date information to assess your health and decide on the most appropriate care for you.
- Your direct care team have the information they need to be able to assess and improve the quality and type of care you receive.
- Your concerns can be properly investigated if a complaint is raised.
- Appropriate information is available if you see another team, or are referred to a specialist or another part of the NHS.
- If you have given us your consent to use your data for a purpose outside of your direct care, you have the right to withdraw that consent at any time. If you do wish to withdraw your consent please let your direct care team know.

## The NHS Care Record Guarantee

The Care Record Guarantee is our commitment that we will use records about you in ways that respect your rights and promote your health and wellbeing. Copies of the full document can be obtained from: [www.nhscarerecords.nhs.uk/security](http://www.nhscarerecords.nhs.uk/security)

## Who do we share personal information with?

Everyone working within the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives information from us has a legal duty to keep it confidential.

We will share information with the following main partner organisations:

- Other NHS Trusts and hospitals that are involved in your care
- Commissioning Support Units, Clinical Commissioning Groups and other NHS bodies
- General Practitioners (GPs)
- Ambulance Services

Your information is collected through various means to ensure we have a better understanding of your background and care needs.

# FACTSHEET

You may be receiving care from other people as well as the NHS, for example Social Care Services. We may need to share some information about you with them so we can all work together for your benefit if they have a genuine need for it or we have your permission.

Therefore, we may also share your information, subject to strict agreement about how it will be used, with:

- Social Care Services
- Education Services
- Local Authorities
- Voluntary and private sector providers working with the NHS

We will not disclose your information to any other third parties without your permission unless there are exceptional circumstances, such as if the health and safety of others is at risk or if the law requires us to pass on information.

## Disclosure of information

You have the right to restrict how and with whom we share the personal information in your records that identifies you. This must be noted explicitly within your records in order that all professionals and staff treating and involved with you are aware of your decision. By choosing this option, it may make the provision of treatment or care more difficult or unavailable. You can also change your mind at any time about a disclosure decision.

## How we maintain your records?

Your personal information is held in both paper and electronic form for specific 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 requirements of the Data Protection legislation. Everyone working for the NHS must comply with the Common Law Duty of Confidentiality and various national and professional standards and requirements.

## How your personal information is used to improve the NHS

Your information will also be used to help us manage the NHS and protect the health of the public by being used to:

- Review the care we provide to ensure it is of the highest standard and quality.
- Ensure our services can meet patient needs in the future.
- Investigate patient queries, complaints and legal claims.
- Ensure the Trust receives payment for the care you receive.
- Prepare statistics on NHS performance.
- Audit NHS accounts and services.
- Undertaking health research and development (with your consent - you may choose whether or not to be involved).
- Helping to train and educate healthcare professionals.

## SMS text messaging

When attending the Trust for an appointment you may be asked to confirm that the Trust has an accurate contact number and mobile telephone number for you. With your permission this can be used to provide appointment details via SMS text messages to advise you of appointment times.

## How you can access your records

Data Protection legislation gives you a right to access the information we hold about you on our records. Requests can be made verbally or in writing to the Information Rights & Compliance Team. The Trust will provide information to you within 1 calendar month following receipt of:

- A verbal or written request, followed up with adequate supporting information (such as your full name, address, date of birth, NHS number, proof of identification etc.) to enable us to verify your identity and locate your records.
- An indication of what information you are requesting to enable the Trust to locate it in an efficient manner.

You have rights regarding the information we are holding about you. If you think any information is inaccurate or incorrect, please let us know.

Please visit the ICO website for more information: [www.ico.org.uk](http://www.ico.org.uk)

## Your Rights

**Under certain circumstances, by law you also have the right to:**

**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.

**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).

**Object to processing** of your personal information if we are relying on a legitimate interest (or those of a third party) or public interest as our lawful basis for processing and there is something about your particular situation which leads you to object to processing on this ground. You also have the right to object if we are processing your personal information for direct marketing purposes.

**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.

**Request the transfer** of your personal information to another party in certain circumstances.

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 your care worker in writing.

## Right to withdraw consent

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 your care worker. 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.

## Data controller

The Data controller responsible for keeping your information confidential is:

Hertfordshire Partnership University NHS Foundation Trust  
The Colonnades, Beaconsfield Road, Hatfield, Hertfordshire, AL10 8YE

## Data Protection Officer

Please contact the Head of Information Rights & Compliance:

Telephone: 01727 804956

Email: [hpft.dpo@nhs.net](mailto:hpft.dpo@nhs.net)

## Notification

Data Protection legislation requires organisations to lodge a notification with the Information Commissioner to describe the purposes for which they process personal information. These details are publicly available from:

**Information Commissioner's Office**

Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Telephone: 0303 1231113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain official information held by HPFT, subject to a number of exemptions. If you would like to request some information from us, please visit the Freedom of Information Section of our website: [www.hpft.nhs.uk/information-and-resources/freedom-of-information-foi](http://www.hpft.nhs.uk/information-and-resources/freedom-of-information-foi)

**Please note: if your request is for information we hold about you (for example, your health record), please contact:**

**The Information Rights & Compliance Team**

Hertfordshire Partnership University NHS Foundation Trust  
99 Waverley Road, St Albans, Hertfordshire, AL3 5TL

Telephone: 01727 804956

Email: [hpft.informationrights@nhs.net](mailto:hpft.informationrights@nhs.net)