

Patient privacy notice

This Privacy Notice explains what information we collect about you, how we store this information, how long we retain it and with whom and for which legal purpose we may share it.

To find out more about our Privacy Notice, please read the relevant sections below:

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

<p>Who we are?</p>	<p>We are a hospice, providing a range of palliative care and end of life services to the communities within Exeter, Mid and East Devon. The hospice is a charity and we are registered with the Care Quality Commission and the Charity Commission.</p> <p>We provide a wide range of services including:</p> <ul style="list-style-type: none"> • Community services including Hospiscare@Home • Supportive care • Inpatient care • Day Hospices. <p>The Hospice employs more than 250 staff.</p> <p>The Hospice is registered with the Information Commissioner’s Office (ICO) process personal and special categories of information under the Data Protection Act 2018 and our registration number is Z4946024</p>
<p>Why we collect personal information about you?</p>	<p>When you are referred to our services we ask for and hold personal confidential information about you, which will be used to support the delivery of appropriate care and treatment. Your doctor, as well as other health and social care professionals looking after you, record details of your health and any treatments or services you have received. This, alongside information that you may be able to directly provide, enables us to ensure that your care from our hospice team is truly individualised and meets all of your specific needs, and we can therefore provide you with the highest quality of care.</p>
<p>What is our legal basis for processing personal information about you?</p>	<p>Hospiscare is a public body established by the NHS Act 2006 as amended by the Health and Social Care Act 2012. As such our business is based upon statutory powers which underpin the legal bases that apply for the purposes of the GDPR. The legal bases for the majority of our processing is:</p> <p>Article 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.</p> <p>Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Where we process special categories data, for example data including health, racial or ethnic origin,</p>

or sexual orientation, we need to meet an additional condition in the GDPR. Where we are processing special categories personal data for purposes related to the commissioning and provision of health services the condition is:

Article 9(2)(h) – processing is necessary for the purposes of preventive 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...

Hospiscare may also process personal data for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or for the purpose of establishing, exercising or defending legal rights. Where we process personal data for these purposes, the legal basis for doing so is:

Article 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; or

Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject; or

Article 6(1)(f) – processing is necessary for the purposes of legitimate interests pursued by the controller.

Where we process special categories of personal data for these purposes, the legal basis for doing so is:

Article 9(2)(f) – processing is necessary for the establishment, exercise or defence of legal claims; or

Article 9(2)(g) – processing is necessary for reasons of substantial public interest.

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

The information we hold about you could include:

- Basic details, such as your name, address, next of kin and medical history
- Any contact we have had with you and when you have visited us
- Notes and reports about your health and any treatment you have received, either from us or

other healthcare providers

- Information from people who care for you and know you well, such as health professionals and relatives.

It may also include personal sensitive information such as sexuality, race, your religion or beliefs, and whether you have a disability, allergies or health conditions. 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 and to deliver appropriate treatment and care plans to meet your needs.

What do we do with your personal information?

Your health records are used as a guide to help us plan the care you will receive from our hospice, however the information may also be used in other ways:

- To help inform decisions that we make about your care
- To ensure that your treatment is safe and effective
- To work effectively with other organisations who may be involved in your care
- To investigate any concerns or complaints you may have.

Who do we share your information with and why?

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 will share your data with any Healthcare professionals who you are registered with and are currently using SystemOne which is an Electronic Patient Record(EPR). You have the option to opt out of this using the SystemOnline or NHS Choices.

There are occasions where the Hospice 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).

For any request to transfer your data internationally outside the UK/EU, we will make sure that an adequate level of protection is satisfied before the transfer.

The Hospice 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 Hospice 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 Hospice will always do its best to notify you of this sharing.

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In some cases, we use your anonymised information (removing anything that identifies you):

- To support the health of the general public
- To ensure our services can meet future needs
- To review care provided to ensure it is of the highest standard possible
- To train healthcare professionals
- For research and audit
- To prepare statistics on our performance
- To monitor how we spend money

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters.

How we maintain your records

Information is retained in secure electronic and paper records and access is restricted to only those who need to know.

Technology allows us to protect information in a number of ways, in the main by restricting access. Our guiding principle is that we are holding your information in strict confidence and allow others access only on a 'need to know' basis.

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 as amended by the GDPR 2016, as explained above. In addition, everyone working for Hospiscare 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.

Use of Email - Some services in the Hospice provide the option to communicate with patients via email. Please be aware that the Hospice cannot guarantee the security of this information whilst in transit, and by requesting this service you are accepting this risk.

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 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 on our Individual rights page.
- Request the correction of inaccurate or incomplete information recorded in our health records, subject to certain safeguards. This is also explained on our Individual Rights page.
- Refuse/withdraw consent to the sharing of your health records: Under the Data Protection Act 2018, 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.
- Request your personal information to be transferred to other providers on certain occasions.
- Object to the use of your personal information: 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).

We will always try to keep your information confidential and only share information when absolutely necessary.

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

**Data Protection
Officer**

Please contact the Head of Governance and Data Protection:

Hospiscare
Searle House, Dryden Road
Exeter
EX2 5JJ

Or via hospiscare.dpo@nhs.net

**Information
Commissioner's
Office**

The Information Commissioner's Office (ICO) is the body that regulates the Hospice under Data Protection 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

Live chat is available at: <https://ico.org.uk/global/contact-us/live-chat/>

Email: casework@ico.org.uk