

Privacy Notice

How Your Information Is Used

Patients

In order to help you understand how your personal information is collected and used, we have developed this Privacy Notice. This Privacy Notice is not exhaustive and we are always happy to provide any additional information or explanations where needed.

How Your Information Is Used Privacy Notice

Who are we?

Aintree University Hospital NHS Foundation Trust ('the Trust') is registered to collect and process personal information. For this responsibility, the Trust is known as the 'Data Controller'.

The Trust is a large teaching hospital in Liverpool serving a population of around 330,000 in North Liverpool, South Sefton and Kirkby. Our vision is:

- to be a leading provider of the highest quality healthcare.

We provide high quality elective and emergency care services to meet the day-to-day needs of our local community. In addition, we also provide high quality specialist services including major trauma, hyper acute stroke, regional head and neck surgery, upper GI cancer, hepatobiliary and liver and specialist endocrine services. We also work with our partners to provide a range of services in community settings including diabetes, rheumatology, ophthalmology and alcohol services.

To safeguard your information and support your rights, the Trust has appointed a Data Protection Officer ('DPO') as your single point of access. The DPO can be contacted on:

Data Protection Officer
Aintree University Hospital NHS Foundation Trust
2nd Floor, Aintree Lodge
Lower Lane
Liverpool,
L9 7AL

0151 529 6488

Email address: DPO@aintree.nhs.uk

The Trust is registered with the Information Commissioner's Office as a Data Controller reference Z9553640, as required by the Data Protection Act 2018.

Why do we collect your information?

The Trust collects information primarily to provide medical services, in accordance with its obligations under the NHS Act 2006 and Health and Social Care Act 2012.

Information collected for medical purposes includes:

- Preventative medicine
- Medical diagnosis
- Medical research
- Provision of care and treatment
- Management of healthcare services

This information is collected so that clinical teams have accurate and up-to-date information on which to base your treatment options.

What information do we collect and record?

To ensure we can provide you with the best possible care, the Trust will collect the following categories of information from you, or record the information about you:

Category	Example
Identifiers – contains details that identify an individual	This may include but is not limited to: Name, Date of Birth, NHS Number.
Contact information	Address, Telephone number.
Relatives / Next of Kin	Name, Contact details for next of kin.
Details of any diagnosis and treatment given, including physical or mental health or condition	Medical history, treatments, test results, episodes of care, referrals and professional opinions. This is the core information that the Trust will hold about you.
Nationality / Domicile	Required to ensure that patients are entitled to NHS health care.
Ethnicity	Required for equality monitoring and ensuring that the Trust services are suitable for the local population. The provision of this information is optional.
Religious beliefs	Required for spiritual support and where relevant to treatment options. The provision of this information is optional.

This list is not exhaustive but indicative of the information recorded

By providing the Trust with your contact details, patients are agreeing to the Trust using those channels to communicate with them about their healthcare, i.e. by letter (postal address), by voice-mail or voice-message (telephone or mobile number), by text message (mobile number) or by email (email address).

Where do we receive information about you from?

Most of the information the Trust collects about you is received directly from you. This will be checked with you to ensure that your name, address, telephone number and next of kin, for example, are accurate and up-to-date.

The Trust will, however receive information from other healthcare providers about you. This typically will be from a referral. For example, when you see your GP, if they decide you need an appointment with the Trust, your GP will provide the Trust with your identifiers, contact details, summary of your current complaint and any relevant medical history. If you have

been treated at another Hospital and referred to the Trust, the same information would be provided to the Trust.

What if you do not provide information to us?

If you do not provide us with the most relevant information, or it is inaccurate or incomplete, this could significantly affect the medical care you receive and adversely affect your health.

If any of the information recorded about you is incorrect, please inform your health care team at the earliest opportunity.

Who we share information with?

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised and consented to by the patient, except in circumstances where the law requires or allows the Trust to act otherwise.

Under the Confidentiality Code of Conduct, all Trust staff are required to protect patient information, to keep patients informed of how their information will be used, and to allow patients to decide about how their information can be shared.

Access to information is restricted to those who have a need-to-know. Within the Trust, your information may be shared with the following people when there is a medical need:

- Doctors, nurses and therapists directly caring for you
- Health care assistants and therapy assistants, supporting your direct care and part of your care team
- Pharmacists, radiologists and other clinical support services
- Secretaries, receptionists, Patient Access Centre and other clerical support teams, who require access to carry out administrative tasks, such as booking appointments, typing letters or managing services

Patient information may be shared, for the purposes of providing direct patient care, with other NHS 'provider' organisations, such as NHS Acute Trusts (hospitals), NHS Community Health (primary care), NHS general practitioners (GPs), NHS ambulance services etc.

In such cases, the shared data must always identify the patient for safety reasons.

The Trust shares patient information with a range of organisations or individuals for a variety of lawful purposes, including:

- Disclosure to GPs and other NHS staff for the purposes of providing direct care and treatment to the patient, including administration;
- Disclosure to social workers or to other non-NHS staff involved in providing healthcare;
- Disclosure to specialist organisations for the purposes of clinical auditing;
- Disclosure to those with parental responsibility for patients, including guardians;
- Disclosure to carers without parental responsibility (subject to explicit consent);
- Disclosure to medical researchers for research purposes (subject to explicit consent, unless the data is anonymous);
- Disclosure to NHS managers and the Department of Health for the purposes of planning, commissioning, managing and auditing healthcare services;
- Disclosure to bodies with statutory investigative powers - e.g. the Care Quality Commission, the GMC, the Audit Commission, the Health Service Ombudsman;

- Disclosure to National Generic Registries - e.g. the UK Association of Cancer Registries;
- Disclosure, where necessary and appropriate, to non-statutory investigations - e.g. Members of Parliament;
- Disclosure, where necessary and appropriate, to government departments other than the Department of Health;
- Disclosure to solicitors, to the police, to the courts (including a Coroner's Court), and to tribunals and enquiries;
- Disclosure to the media (normally the minimum necessary disclosure subject to explicit consent)

National data opt-out programme

For the purposes of commissioning and managing healthcare, patient information may also be shared with other types of NHS organisations.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected to help ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be provided to other approved organisations, where there is a legal basis, to help with planning services, improving care provided, research into developing new treatments and preventing illness. All of these help to provide better health and care for you, your family and future generations. Confidential personal information about your health and care is only used in this way where allowed by law and would never be used for insurance or marketing purposes without your explicit consent.

You have a choice about whether you want your confidential patient information to be used in this way.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, visit <https://digital.nhs.uk/services/national-data-opt-out-programme> . If you do choose to opt out you can still consent to your data being used for specific purposes.

If you are happy with this use of information you do not need to do anything. You can change your choice at any time.

Confidential patient-identifiable information is only shared with other organisations where there is a legal basis for it as follows:

- When there is a Court Order or a statutory duty to share patient data;
- When there is a statutory power to share patient data;
- When the patient has given his/her explicit consent to the sharing;
- When the patient has implicitly consented to the sharing for direct care purposes;
- When the sharing of patient data without consent has been authorised by the Confidentiality Advisory Group of the Health Research Authority (HRA CAG) under Section 251 of the NHS Act 2006

This list is not exhaustive but indicative of the information recorded.

International Transfers

The Trust does not routinely transfer your information outside of the European Economic Area (EEA). This ensures that your data protection rights are protected through laws standardised across the Area. If a need does arise, the Trust will seek your explicit consent to transfer information outside of the EEA, and you will be advised how your information will be protected.

How long do we keep your information?

All of your information is kept in accordance with the Records Management Code of Practice for Health and Social Care 2016. This is available from - <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

In general terms, medical information is retained for at least 10 years after treatment; or for children until they reach at least 25 years old. There are exceptions to this. Any enquiries should be made directly to the Data Protection Officer.

What rights do you have?

You have a number of rights under Data Protection Legislation; many of these formally come into force from 25 May 2018 but the Trust will endeavour to respect these in advance of that date.

In short, your rights are:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to object
- Right to restrict processing
- Right to data portability

Right to be informed

You have a right to be informed about uses of your information with an emphasis on transparency. This notice, in support of other privacy notices published by the Trust, ensures that your right to be informed is achieved.

Right of access

You have a right to receive:

- Confirmation of what information is recorded about you
- Confirmation of how your information is used
- Access to your information

You will be required to provide proof of identification and may be asked to specify exactly what information you require.

If you would like access to your health records please submit your request in writing to the Subject Access Request Department or telephone 0151 529 2023 for more information.

Right to rectification

Rectification refers to correcting inaccuracies or incomplete data which is held by the Trust. This applies to factual information only – such as identifiers and next of kin. The Trust is unable to remove or alter professional opinions which you may disagree with. You do however; have the right to include your own statements alongside professional opinions.

To request rectification of information held about you, or to add your own statement, please contact the Subject Access Request Department on 0151 529 2906.

If you disagree with a professional opinion and wish to add your own statements, please contact the Data Protection Officer.

[Right to erasure](#)

In some circumstances you can request that your information is deleted.

This right will apply if the processing has been undertaken on the basis of consent which is withdrawn, the processing of data is determined not to be lawful or the information is no longer required. You will be informed of activities to which this right applies.

There are exceptions to this right. Any enquiries should be made directly to the Data Protection Officer.

Generally, the Trust is legally required to maintain your records in accordance with the retention guide referenced above.

[Right to object](#)

There is no general right to object to processing; however, you can object if there are grounds relating to your own particular situation, or if information is likely to be used for:

- Marketing
- Scientific or historical research
- Statistical purposes
- Purposes in the public interest or under an official authority (e.g. NHS Act 2006)

To object to processing, please contact the Data Protection Officer.

[Right to restrict processing](#)

The right to restrict processing means that if you have disputed the accuracy of information, objected to its use or require data due for destruction to be maintained for a legal claim, you can have the data stored by the Trust but no other uses are then permitted until the dispute is settled.

To request restriction to processing, please contact the Data Protection Officer.

[Right to data portability](#)

The right to data portability is unlikely to apply to information held by the Trust; but you will be informed when the right does apply.

However, the Trust will cooperate with other health care providers and transfer your information, where appropriate, if you are being treated by other organisations.

[Is there any automated processing of your information?](#)

Automated decision making is the use of computer systems or definitions to apply rules to data in order to determine an outcome – credit ratings are an example of automated decision making.

The Trust does not use automated decision making as all decisions have human intervention.

Consent & withdrawal of consent

To use your information for direct health care purposes, the Trust does not require your consent. This is because consent may not be possible in many circumstances and the Trust has a legal duty to provide care.

Activities which are optional will be conducted with consent. You will have the option of withdrawing that consent at any time. Any enquiries should be made directly to the Data Protection Officer.

This does not affect the consent process for operations and treatments.

Raising a concern

For general enquiries about how your information is used, please contact the Data Protection Officer.

If you wish to register a complaint about how your information is processed, you can write to:

Information Governance
Aintree University Hospital NHS Foundation Trust,
Lower Lane,
Liverpool
L9 7AL
Info.gov@aintree.nhs.uk

This address should not be used for clinical or general complaints about the Trust

Additionally, patients have the right to complain to the Information Commissioner if they should ever be dissatisfied with the way the Trust has handled or shared their personal information. The Information Commissioner's Office is the UK's independent body set up to uphold information rights.

The Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further information about their work and the legislation they cover is available from www.ico.org.uk or by contacting them on the helpdesk number 0303 123 1113.

Data Protection Act 2018

The Data Protection Act 2018 (DPA 2018) became law in May 2018. This supersedes the Data Protection Act 1998. The DPA 2018 sets standards which must be satisfied when obtaining, recording, using or disposing of personal data. These are summarised by 6 Data Protection Principles.

Personal Data must be:

1. Processed fairly, lawfully and transparent. Data subjects must be fully informed of why your collecting their information, what you are going to do with it and who you may share it with.
2. Processed only for specified purposes

3. Adequate, relevant and not excessive in relation to the purpose for which it was processed
4. Accurate and where necessary kept up to date.
5. Kept for no longer than is necessary for the purpose it was processed.
6. Processed in a manner that includes taking appropriate security measures as regards risks that arise from processing personal data.

General Data Protection Regulation

The General Data Protection Regulation (GDPR) is the most significant change to data protection law in a generation. As well as increasing the security and accountability of organisations, it increases the rights of individuals on how their information is used.

GDPR does not, however, change the underlying principles of the Data Protection Act.

The changes which are likely to affect you are summarised below.

Lawful basis for processing data

All health and adult social care providers are subject to the statutory duty under section 251B of the Health and Social Care Act 2012 to share information about a patient for their direct care. This duty is subject to both the common law duty of confidence and all current Data Protection Legislation.

For common law purposes, sharing information for direct care is on the basis of implied consent, which may also cover administrative purposes where the patient has been informed or it is otherwise within their reasonable expectations.

The GDPR requires that data controllers and organisations that process personal data demonstrate compliance with its provisions. This involves publishing our basis for lawful processing. As personal data is processed for purposes of the Trusts statutory functions we have considered our lawful basis for processing personal data and have deemed:

Commissioning, planning, regulatory and public health functions:

- Article 6(1)(c) - processing is necessary for compliance with a legal obligation

Direct care and administrative purposes including safeguarding:

- 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

Research:

- 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

Where the Trust processes special categories of personal data, there is an additional legal basis for processing such data as listed below:

Safeguarding:

- Article 9(2)(b) – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law, the provisions of the Children's Acts 1989 and 2004, and the Care Act 2014

Commissioning and Planning:

- 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

Research, regulatory and public health functions:

- Article 9(2)(j) – processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
Regulatory and public health functions:

The Trust also collects information to provide secondary (non-core) services, such as maintenance of facilities including the car park, fundraising and marketing.

If your information will be used for any secondary service, you will be notified of these. Under the Data Protection Legislation, generally the processing is necessary for the purposes of legitimate interests pursued by the data controller (schedule 2 (6) (1)), where the legitimate interests are in supporting the running of the day-to-day operations of the organisation.

Any processing which relies on consent will be based on explicit consent under GDPR. You will be asked to make a definite decision; there will be no presumption of consent from silence, inaction or pre-selected choices.

Definition of Terms

Data Controller	The organisation which determines the processing of Personal Data.
Data Processor	The Data Controller is the legally responsible organisation. An organisation which the Data Controller appoints to provide a service on its behalf. The Data Processor must follow the legal instruction of the Controller.
Data Subject	The individual who personal data is about. The individual must be identifiable from the data.
Data Protection Officer	The person appointed by the Data Controller as the single point of contact for data protection enquiries. The Data Protection Officer acts independently and monitors compliance with data protection obligations
Data Processing	The activities which relate to Personal Data. Data Processing includes: <ul style="list-style-type: none">• Obtaining, recording or holding the information• Organisation, adaption or alteration• Retrieval, consultation or use• Disclosure by transmission, dissemination or otherwise making available• Alignment, combination, blocking, erasure or destruction of the information or data;
Information Commissioner's Office	The regulator of information rights in the United Kingdom. The ICO website is - https://ico.org.uk/
Personal Data	Data which relates to an individual and enables them to be identified

This leaflet is available in large print, Braille, easy read, on audio tape and in other languages on request.

If you require an alternative edition please contact:

Tele: **0151 529 2906**

Email: interpretationandtranslation@aintree.nhs.uk