

Patient Privacy Notice

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Printed copies should not be considered the definitive version.

1 About NHS Western Isles

NHS Western Isles (NHS WI) is a public organisation created in Scotland under section 1 of the National Health Service (Scotland) Act 1978 (the 1978 Act). It is one of the organisations which form part of NHS Scotland (NHSS).

NHS Western Isles is the controller of the personal data it processes for the purpose of the Data Protection Act 2018 along with the General Data Protection Regulation (GDPR) and is registered as a controller with the Information Commissioner under Notification Z7320675.

2. About the personal information we use

We use personal information on different groups of individuals including:

- Patients
- Staff
- Contractors
- Suppliers
- Complainants, enquirers
- Survey respondents
- Professional experts and consultants
- Individuals captured by CCTV

The personal information we use includes information that identifies you like your name, address, date of birth and postcode.

We also use more sensitive types of personal information, including information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic and biometric data, health; sex life or sexual orientation.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; visual images; details held in the patient record; responses to surveys.

3. Our purposes for using Personal Information

Under the 1978 Act NHS WI has the statutory responsibility to provide or arrange for the provision of a range of healthcare, health improvement and health protection services. We are given these tasks so that we can help to promote the improvement of the physical and mental health of the people of NHS WI and assist in operating a comprehensive and integrated national health service in Scotland.

We use personal information to enable us to provide healthcare services for patients, data matching under the national fraud initiative; research; supporting and managing

our employees; maintaining our accounts and records and the use of CCTV systems for crime prevention.

4. Our Legal Basis for using personal information

NHS WI, as controller, is required to have a lawful basis when using personal information. NHS WI considers that performance of our tasks and functions are in the public interest. So when using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

In some situations we may rely on a different legal basis; for example, for compliance with a legal obligation to which NHS WI is subject to, for example under the Public Health etc (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

When we are using more sensitive types of personal information, including health information, our legal basis is usually that the use is necessary:

- for the provision of health or social care or treatment or the management of health or social care systems and services; or
- for reasons of public interest in the area of public health; or
- for reasons of substantial public interest for aims that are proportionate and respect people's rights, for example research; or
- in order to protect the vital interests of an individual; or
- for the establishment, exercise or defence of legal claims or in the case of a court order.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this we will explain what it means, and the rights that are available, to you. You should be aware that we will continue to ask for your consent for other things like taking part in a drug trial, or when you are having an operation.

5. Who provides the personal information?

When you do not provide information directly to us, we may receive it from other individuals and organisations involved in the delivery of health and care services in Scotland. These include other NHS Boards and primary care contractors such as GP's, dentists, pharmacists and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

This Privacy Notice is aimed at evidencing NHS WI has all the relevant processes and procedures in place to deal with those wishing to exercise their rights, and to

assure patients, service users and the public that information held by the Board, in all formats, is processed and shared, where appropriate, fairly, lawfully and securely.

Data Protection Law states those who record and process personal information must be open about how the information is used, and must ensure personal data are:

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specific, lawful and legitimate purposes
3. Adequate, relevant and limited to what is necessary for the purpose
4. Accurate and up to date
5. Kept for no longer than necessary
6. Protected and processed securely.

6. Sharing personal Information with others

Depending on the situation, where necessary we will share appropriate, relevant and proportionate personal information in compliance with the law, with the following:

- Patients and their chosen representatives or carers
- Staff
- Current, past and potential employers
- Local GP Practices, Education Services, Local Council and voluntary/third sector organisations who are directly involved in your care
- Suppliers, service providers, legal representatives
- Auditors and audit bodies
- Educators and examining bodies
- Research organisations
- People making an enquiry or complaint
- Financial organisations
- Professional bodies
- Trade Unions
- Business associates
- Police forces
- Security organisations
- Central and local government
- Voluntary and charitable organisations.

7. Transferring personal information abroad

It is sometimes necessary to transfer personal health information overseas for example if you require urgent medical treatment abroad. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with NHS Scotland Information Security Policy.

8. Retention periods of the information we hold

Within NHS WI we keep personal information as set out in the Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012. The NHS Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records. As directed by the Scottish Government in the Records Management Code of Practice, we maintain a retention schedule which details the minimum retention period for the information and procedures for the safe disposal of personal information.

9. How we protect personal information

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. The following security measures are in place to protect personal information:

- All staff undertake mandatory training in Data Protection
- Compliance with NHS Scotland Information Security Policy
- Organisational policy and procedures on the safe handling of personal information
- Access controls and audits of electronic systems

The NHS WI Caldicott Guardian, has the responsibility to ensure the protection of patient confidentiality throughout the organisation in accordance with your legal rights. They can be contacted by writing to:

Caldicott Guardian
NHS Western Isles
Health Board Offices
37 South Beach
Stornoway
Isle of Lewis
HS1 2BB

10. Your rights

The right to be informed

NHS WI must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Data Protection Notice
- Information leaflets

- Discussions with staff providing your care

The right of access

You have the right to access your own personal information. This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

- Confirmation that your personal information is being held or used by us
- Access to your personal information
- Additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal information, you can do this by contacting:

Information Governance Manager
NHS Western Isles
Health Board Offices
37 South Beach
Stornoway
Isle of Lewis
HS1 2BB

Email: wi.infogov-wihb@nhs.scot
Phone: 01851 708037

You can also download our Subject Access Request forms here:

- Subject Access Request Form (Living)



NHS WI Access to
Health Records (Living)

- Subject Access Request Form (Deceased)



NHS WI Access to
Health Records (Dece

- Once we have details of your request and you have provided us with sufficient information for us to locate your personal information, we will respond to your request without delay, within one month (30 days). However If your request is complex we may take longer, by up to two months, to respond. If this is the case we will tell you and explain the reason for the delay.

The right to Rectification

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex. However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request. Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If on consideration of your request NHS WI does not consider the personal information to be inaccurate then we will add a comment to your record stating your concerns about the information. If this is case we will contact you within one month to explain our reasons for this.

If you are unhappy about how NHS WI has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner's Office, or how to take legal action.

The right to Object

When NHS WI is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided NHS WI can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

The right to Erasure

The right to erasure is also known as "the right to be forgotten" and in general refers to an individual's right to request the deletion or removal of personal information where there is no compelling reason for NHSWI to continue using it. The right to erasure does not apply when data is collected or processed for medical, or public health purposes.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten. Individuals have the right to have their personal information deleted or removed in the following circumstances:

- When it is no longer necessary for the purpose for which it was collected.
- When NHS WI no longer have a legal basis for using your personal information, for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we would need to stop using your information and erase it unless we had an overriding reason to continue to use it. When you object to NHS WI using your personal information and there is no overriding legitimate interest for us to continue using it.
- If we have used your personal information unlawfully.
- If there is a legal obligation to erase your personal information for example by court order.

The right to restrict processing

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. When processing is restricted, NHS WI are permitted to store your personal information, but not further use it until an agreement is reached with you about further processing. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Examples of ways you can restrict our processing would be:

- If you challenge the accuracy of your personal information, stop using it until we check its accuracy.
- If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.
- If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

Whenever we decide to lift a restriction on processing we will tell you.

The right to data portability

The right to data portability allows individuals to obtain and re-use their personal information for their own purposes across different services. It allows them to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way.

For example: it enables consumers to take advantage of applications and services which can use their information to find them a better deal. The right to data portability only applies when the individual has submitted their personal information directly, through electronic means to NHS WI. This means that in most circumstances the right to data portability does not apply within NHS WI.

Rights related to automated decision making and profiling

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement, including profiling. NHS WI does not undertake any decision-making about you using wholly automated means.

11. If you have a complaint

NHS WI employ a Data Protection Officer to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information please tell our Data Protection Officer using the contact details below.

Data Protection Officer
NHS Western Isles
Health Board Offices
37 South Beach
Stornoway
Isle of Lewis
HS1 2BB

Tel: 01851 708037
Email: wi.dpo@nhs.scot

It is NHS Western Isles' aim that that you receive the best possible care from us, and have a positive experience. However, if you have been unhappy with any aspects of your care, you can raise any issues with us.

If you wish to formally complain, please contact:

Complaints Officer
NHS Western Isles
Health Board Offices
37 South Beach
Stornoway
Isle of Lewis
HS1 2BB

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at www.ico.org.uk.

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

12. TEXT Appointment Reminders

NHS WI have the ability to use text messaging to remind patients of hospital appointments, or to contact patients about attending short notice cancellations – to ensure your hospital has your correct mobile number for this service, or if for whatever reason, you would rather not receive text reminders, contact your Medical Records Department:

- Western Isles Hospital 01851 704704
- Uist & Barra Hospital 01870 603603
- St Brendan's Hospital 01871 810465