

PRIVACY NOTICE

General Data Protection Regulation and UK Data Protection Legislation

This notice explains how Nottinghamshire Healthcare NHS Foundation Trust (NHCFT) collects, processes, transfers and stores your personal information. This forms part of our accountability and transparency to you under your right to be informed in accordance with the General Data Protection Regulation (GDPR) 2018 and UK Data Protection Act 2018.

It also provides you with information about how we share it with NHS and non-NHS organisations, and how we maintain confidentiality.

1. What is personal data?

Personal data means any information relating to an identified or identifiable, living natural person (data subject). An identifiable person is one who can be identified, directly or indirectly, for example by reference to an identifier such as a name, an identification number or factors specific to the mental, physical or genetic identity of that person.

2. What is special category personal data?

Special categories of personal data include:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics;
- health;
- sex life; or
- sexual orientation

3. Who are we?

Nottinghamshire Healthcare NHS Foundation Trust (NHCFT) is a major provider of mental health, intellectual disability and specialist mental health services, community physical health for both adults and children, prison health and our low, medium and

high secure hospitals including Rampton Hospital. The Trust works in partnership with other healthcare providers.

The Trust is also involved in a number of collaborations in research, education and innovation with the Institute of Mental Health (IMH), the University of Nottingham and other partners. The IMH is the delivery arm for our Knowledge and Understanding Framework (KUF) for Personality Disorder stand-alone modules validated through the Open University (OU), our Workforce Development modules for healthcare professionals validated through the University of Nottingham and for our research grants funded by the National Institute for Health Research (NIHR).

The Trust has approximately 9600 staff who carry out a wide range of roles, working together to provide integrated and coordinated care and support to those using our services.

NHCFT is registered to collect and process personal information. For this responsibility, the Trust is known as a 'Data Controller'.

To safeguard your information and support your rights, and in accordance with the GDPR, the Trust has appointed a **Data Protection Officer (DPO)**.

The role of the DPO is to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority (Information Commissioner's Office).

The DPO can be contacted via DPOEnquiries@nottshc.nhs.uk.

For any specific KUF Personality Disorder data enquiries contact the Associate Director via KUFenquiries@nottshc.nhs.uk.

4. EU General Data Protection Regulation and UK Data Protection Act 2018

The European Union General Data Protection Regulation came into force on 25 May 2018. The regulation is designed to bring legislation for data processing up to date throughout the European Union.

The UK Government has also committed to updating and strengthening our data protection laws through the new Data Protection Act 2018. This will bring the European Union's General Data Protection Regulation (GDPR) into UK law.

The legislation will:

- Introduces special protection of children's (defined to be under 13) personal data
- Require 'explicit' consent to be necessary for processing special category personal data
- Expand the definition of 'personal data' to include IP (computer) addresses, internet cookies and DNA
- Update and strengthen data protection law to reflect the changing nature and scope of the digital economy
- Make it easier and free for individuals to require an organisation to disclose the personal data it holds on them
- Make it easier for individuals to move data between service providers
- Make it simpler to withdraw consent for the use of personal data
- Allow people to ask for their personal data held by companies to be erased.

For more information please see the Trust website:

<https://www.nottinghamshirehealthcare.nhs.uk/your-information>

The Trust is registered with the Information Commissioner and the Trust's registration number is Z8086442. <https://ico.org.uk/>

5. Legal basis for processing

The GDPR requires data controllers and organisations that process personal data to demonstrate compliance with its provisions. This involves publishing our basis for lawful processing.

As personal data is processed for the purposes of NHCFT's statutory functions, the Trust's legal bases for the processing of personal data as listed in Article 6 of the GDPR include:

- 6(1)(c) – Processing is necessary for compliance with a legal obligation
- 6(1)(d) - Vital interests: the processing is necessary to protect someone's life
- 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, such as the delivery of health or care

If none of the above legal bases are applicable, the Trust will obtain the explicit consent of the data subject (section 6 (1) (a)).

Where NHCFT processes special categories of personal data, its additional legal bases for processing such data as listed in Article 9 of the GDPR, for example

- 9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’
- 9(2)(h) ‘...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...’
- 9(2)(j) ‘... is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes ...’

6. Why we collect information about you

The IMH keeps records about the course you are currently enrolled on as part of your KUF training.

It helps you because:

- Accurate and up-to-date information assists us in providing you with the right support.
- This enables us to track and monitor your progress.

It helps the IMH to:

- Prepare statistics on education performance
- Audit IMH education provision
- Monitor how we spend public money
- Plan and manage the education provision
- Teach and train healthcare professionals
- Conduct education research and evaluation
- Assist in the purposes of planning and developing better education services across the IMH Education Department.

7. What kind of information does IMH hold about you?

- Name, address, date of birth, occupation, place of work
- Contacts we have had with you such as course applications, assessments and attendance records
- Special Category data (see section 2)

8. How we protect your personal information

The processing of personal information complies with the EU General Data Protection Regulation and UK Data Protection Act 2018 principles in line with the Trust’s data protection registration held with the Information Commissioner’s Office.

The information we hold may be held as an electronic record on information systems or as a securely stored paper record. Information is accessed on a need to know basis.

The security of the information is assured through the implementation of the Trust's Information Security and Information Governance policies. The Trust completes an annual mandatory information assurance return to NHS Digital known as the Data Security and Protection Toolkit. The Data Security and Protection Toolkit is an online self-assessment tool that enables NHS organisations to measure and publish their performance against the National Data Guardian's ten data security standards. <https://www.dsptoolkit.nhs.uk/>.

Whilst we make every effort to keep your personal information accurate and up to date, we are also reliant on you as the data subject to notify us of any necessary changes to your personal information. If there any changes to your personal information, please notify us so that we can update your records as soon as is possible.

We will keep personal information for no longer than necessary, in line with the NHS records retention schedule within the NHS records management code of practice. [https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care-and-the](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care-and-the-IMH-retention-schedule-in-line-with) IMH retention schedule in line with <https://www.jisc.ac.uk/>

Your information is not routinely processed overseas by IMH.

9. Information sharing with other organisations

We will share information from your student records with the OU Registration Services, to enable you to be registered as a student with the OU. However, we will not disclose any information to third parties without your explicit consent unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires it.

10. Your Rights

Right to be informed

The GDPR introduces an enhanced concept of transparency, meaning NCHFT have a duty to provide you with information in relation to how your personal and special category data is collected, stored and processed. This is provided within this document. Should you have any additional questions please contact DPOEnquiries@nottshc.nhs.uk

Right to rectification and erasure

The GDPR extends and strengthens your rights as a data subject. Under the GDPR you have the right to request the rectification of inaccurate personal data and the right to request the erasure of your personal data. However, the rights to rectification and erasure are not an absolute right and it may be that it is necessary for NHCFT to continue to process your personal data for lawful and legitimate reasons.

Right to object to, or restrict processing

You have the right in certain circumstances to ask NHCFT to stop processing your personal data in relation to any Trust service. You can also request that you do not wish to receive information from the Trust. However, the right to object to, or restrict processing is not an absolute right and it may be that it is necessary in certain circumstances for NHCFT to continue to process your personal data for a number of lawful and legitimate reasons.

If you wish to object to your information being processed, receiving information from the Trust, wish to have information rectified or erased, please in the first instance send your request in writing via email to igsupport@nottshc.nhs.uk

Rights in relation to automated decision making and profiling

NHCFT do not use your information to make automated decisions about you, nor to undertake profiling.

Access to Information/Subject Access

You can request a copy of the information this Trust holds about you by emailing KUFenquiries@nottshc.nhs.uk You can also telephone us to make this request. This information is generally available to you free of charge subject to the receipt of appropriate identification. Please contact the Information Governance Services for further information.

Data Portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes.

It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. If you wish to make such a request please email KUFenquiries@nottshc.nhs.uk, in the first instance.

Raising a concern and Complaints

If you have a concern about any aspect of your student experience at IMH or about the way your records have been managed, please contact in the first instance:

Maxine Clift
Associate Director
Institute of Mental Health
University of Nottingham Innovation Park
Triumph Road
Nottingham
Nd7 2TU
Email: Maxine.clift@nottshc.nhs.uk

Alternatively, you can also contact the Information Commissioner if you have a complaint about our processing of your personal data:

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)
Fax: 01625 524510

11. Further information

To learn more about **how we use, manage and maintain confidentiality of your information**, contact the Information Governance Service
<https://www.nottinghamshirehealthcare.nhs.uk/your-information>