

-How Your Information Is Used
Fair Processing Notice – Administration of Medical Services

In order to help you understand how your personal information is collected and used, we have developed a series of Fair Processing, or Privacy Notices.

The Notices are in 3 tiers, based on their intended audience and level of detail.

- Tier 1 - single, detailed notice of information rights and QCH's general data protection activities and compliance
- Tier 2 - Departmental specific notices with information relevant to that activity only. All patients will receive at least a Tier 2
- Tier 3 - Project specific, or non-core activities. Likely to apply to a small, or clearly defined group of patients

This document is the Tier 1 Notice. Please refer to this for definition of terms and general uses of information.

Who are we?

Queenscourt Hospice ("QCH") is registered to collect and process personal information. For this responsibility, QCH is known as a 'Data Controller'. Queenscourt Hospice is registered to process personal and sensitive information under the Data Protection Act 1998 – registration number Z6424966.

QCH is a local charity that provides support for the people of West Lancs, Southport and Formby. We care for patients with serious illnesses, enabling them to achieve the best possible quality of life at each new stage. We help to do this both in the Hospice and at Home through our In-Patient unit, Queenscourt Connect and Queenscourt at Home services

To safeguard your information and support your rights, QCH has assigned data protection responsibility to the Senior Information Risk Officer, as your single point of access. You can contact the Data Protection lead:

Director of Corporate Services
Queenscourt Hospice
Town Lane
Southport
PR8 5DY
Tel: 01704 517926
Email: hospice@queenscourt.org.uk

Why do we collect your information?

QCH collects information helps to ensure you get the best possible care and treatment. The information collected about you when you use our services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

QCH uses anonymised data for research and planning so that you cannot be identified in which case your confidential patient information isn't needed. Should QCH need to use your confidential information, systems are in place to ensure national data opt-out preferences are automatically applied to NHS numbers within the QCH electronic patient record.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations must have systems and processes in place by 2020 so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. QCH is compliant with the national data opt-out policy.

Under Data Protection, QCH must provide the legal basis for which we process information. For medical services purposes, the processing is:

- necessary for the purposes of legitimate interests pursued by the data controller (schedule 2 (6) (1)), and
- for medical purposes and is undertaken by a health professional, or a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional (schedule 3 (8) (1)).

QCH also collects information to provide secondary (non-core) services, such as maintenance of facilities including the car park, patient satisfaction and complaints.

If your information will be used for any secondary service you will notified of these. Under the Data Protection Act, 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.

What information we collect and record?

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

| Category | Example |
|--|---|
| Identifiers | Name, Date of Birth, NHS Number, marital status |
| Contact information | Address, Telephone number. |
| Relatives / Next of Kin | Name, Contact details for next of kin and significant others. |
| Physical or mental health or condition | Medical history, treatments, test results, episodes of care, referrals and professional opinions. This is the core information that QCH will hold about you. |
| Ethnicity | Required for equality monitoring and ensuring that QCH services are suitable for the local population. |
| Religious beliefs | Required for spiritual support and where relevant to treatment options. |

This list is not exhaustive but indicative of the information recorded

Where do we receive information about you from?

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

QCH will however receive information from other healthcare providers about you. This typically will be from a referral. For example if you are transferred to QCH, the treating clinician will provide QCH with your identifiers, contact details, summary of your current complaint and any relevant medical history.

What if you do not provide information to us?

If information you provide QCH 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?

Access to information is restricted to those with a need-to-know.

Your information may be shared with the following 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 and other clerical support teams, who require access to carry out administrative tasks, such as booking appointments, typing letters or managing services

Where there is a need, your information may also be shared with the following teams:

- Safeguarding
- Risk Management

This list is not exhaustive but indicative of the information recorded

Some of these services may be provided by other organisations to QCH. QCH will only share your information when there is a need in order to provide health care; you will be informed of which organisations your information is shared with and for what specific reason.

Where necessary, QCH may also share your information with:

- Other healthcare staff if a referral is made to another organisation.
- Your GP, to keep them informed about your care
- Regulators and professional bodies such as the NMC, GMC and CQC – this is to investigate concerns and ensure care quality
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Where there is a need, your information may also be shared with the following:

- Social services
- Police
- Other bodies as required by law

You will be informed of information sharing wherever possible.

International Transfers

QCH 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, QCH will seek your consent to transfer information outside of the EEA, or you will be otherwise told how your information is protected.

How long do we keep your information?

All of your information is kept in accordance with the QCH Retention Periods for Documents Policy. This is available from the Corporate Services Director or the QCH website www.queenscourt.org.uk. This document takes into account the 'Records Management Code of Practice for Health and Social Care 2016' publication by the Information Governance Alliance.

In general terms, written paper medical information is retained for 8 years following the death of a patient. Where the whereabouts or condition is unknown, the records will be held for 100 years after the person's date of birth. The electronic medical records system retains records indefinitely but once the records have reached the end of their retention periods they become inaccessible to users restriction of the records to System Administrators.

What rights do you have?

You have a number of rights under Data Protection; many of these formally came into force from May 2018 but QCH 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 QCH 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.

In order to exercise your right of access, please submit a written request to the Director of Corporate Services

Right to rectification

Rectification refers to correcting inaccuracies or incomplete data which is held by QCH. This applies to factual information only – such as identifiers and next of kin. QCH 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 rectify your information please contact the Consultant in Palliative Medicine/Medical Director

If you disagree with a professional opinion and wish to add your own statements, please contact To rectify your information please contact the Consultant in Palliative Medicine/Medical Director.

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.

Generally, QCH 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 the information is 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 Director of Corporate Services

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 QCH but no other uses are then permitted until the dispute is settled.

To request restriction to processing, please contact the Director of Corporate Services

Right to data portability

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

QCH 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. **QCH 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 QCH does not require your consent. This is because consent may not be possible in many circumstances and QCH has a legal duty to provide care.

Activities which are optional will typically be conducted with consent. For example, providing confirmation of conditions to insurance companies. You will be required to provide consent for QCH to provide this information.

Any activity which you consent for, you will have the option of withdrawing that consent at any time.

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

How can you complain?

General enquiries about how your information is used, or for further Fair Processing Notices, please contact the Director of Corporate Services

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

Postal address: Queenscourt Hospice, Town Lane, Southport, PR8 6RE

Email address: hospice@queenscourt.org.uk

This address should not be used for clinical or general complaints

The Information Commissioner's Office is the UK's independent body set up to uphold information rights. 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.

If you are dissatisfied with QCH's resolution to your information complaint, you can appeal to the Information Commissioner's Office.

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.

Under GDPR, the lawful purpose for processing activities of medical purposes will be that the 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, and
- the purpose of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems.

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.
The Data Controller is the legally responsible organisation.

Data Processor 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 Processing The activities which relate to Personal Data.
Data Processing includes:

- 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

Patient FPN Tier One Revision History

| Date | Author | Change |
|----------|--------|--|
| 01/01/18 | IJG | Revised format and inclusion of GDPR extended subject rights |
| 1/5/18 | SD | Revised format for QCH |
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