

Imperial College Healthcare NHS Trust

Patient Privacy Notice

Imperial College Healthcare NHS Trust is committed to protecting your privacy when you use our services. This privacy notice explains your rights as a Trust service user, how we use information about you, and how we protect your privacy.

What this notice will tell you:

- How data may be processed in response to COVID-19;
- Our legal basis for processing your data;
- Our purpose for processing your data;
- Whether you have to provide it to us;
- How long we store it for;
- Whether there are other recipients of your personal data;
- Whether we intend to transfer it to another country;
- Your rights and freedoms; and,
- How to lodge a complaint against the Trust to our regulatory body.

Data Processing in response to COVID-19

The health and social care system is facing significant pressures due to the Covid-19 outbreak. As such, the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak.

What information do we collect from you?

When you attend one of our hospitals or services, data is recorded about you on paper and electronically. We will need to collect information pertaining to your identity, contact information, health information, diagnoses, and other information which allows us to administer healthcare.

What are our legal duties?

We exercise our official authority by collecting, using and, if necessary, sharing your information in order to provide you with care. The Trust will also use personal data to improve medical diagnoses and treatment.

Will the Trust share your data with anyone else?

We share your data with other health and social care organisations directly involved in your care. We will always have a legal framework in place with organisations to ensure that your data will be shared appropriately. We will not provide researchers with data that identifies you personally, unless you have provided explicit, informed consent to this or there is legal justification to provide this information. Where you have elected to apply the National Data Opt Out to your record, we will not share your personal confidential information for purposes beyond the purposes of supporting the provision of health and social care.

What data about me stored elsewhere is shared with the Trust?

If you are already a patient of the Trust, we will be able to view your 'summary care record'. Apart from the summary care record, other NHS organisations involved in your care may share information with us to help us care for you.

How is my data handled safely?

We have a legal duty keep your data secure. Our staff undertake annual data security and protection training, and the Trust is subject to regular audits and independent reviews to make

sure that we do keep your data safe. When we use other organisations to process your data, we ensure these processors comply with legal obligations to keep your data secure.

How long will the Trust keep the data?

The Records Management Code of Practice for Health and Social Care 2016 sets out what people working with or in NHS organisations in England need to do to manage records correctly. This Code of Practice is based on current legal requirements and professional best practice and was published on 20 July 2016 by the Information Governance Alliance (IGA).

How can I access the information the Trust holds about me?

By law you are entitled to request a copy of the information we hold about you. This is known as a **Subject Access Request**. To submit such a request, we ask that you contact the Health Records team via:

- Email imperial.accesstohealthrecords@nhs.net;
- Phone: 0203 313 04001; or
- Post: Health Records Department, Charing Cross Hospital, Fulham Palace Road, London, W6 8RF.

Who can I complain to?

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information legislation.

You can complain to the ICO at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk/concerns

Telephone: 0303 123 1113.

The Trust is registered as a data controller under the registration number **Z1152836**.

What is Personal Data?

Personal data is information that relates to an identified or identifiable individual. What identifies an individual could be as simple as a name, hospital number, or home address. The GDPR sets out the lawful conditions which must be present when processing such data.

Personal data may also include 'special categories' of personal information, such as racial or ethnic origin, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. Please note that this is not an exhaustive list.

As a healthcare provider, the Trust will regularly be required to process these 'special categories' of personal data and, as a responsible data controller, applies appropriate technical and security measures to safeguard the information it holds on its patients. Both the GDPR and Data Protection Act 2018 set out the conditions the Trust must adhere to in order to lawfully and securely process special categories of patient data.

Information Pertaining to Data Processing in Response to COVID-19

This notice describes how we may use your information to protect you and others during the Covid-19 outbreak. It supplements our main Privacy Notice which is available below.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the public interest in sharing information. This includes National Data Opt-outs. However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply.

It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak. (be more specific or more informational) (our [FOI page](#) is here / our [SAR Procedures](#) are here)

In order to look after your health and care needs we may share your confidential patient information including health and care records with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period of emergency we may offer you a consultation via telephone or video-conferencing, most likely via 'Attend Anywhere' or 'Clinic.co'. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and

managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

Given the fast-changing, unpredictable nature of the climate in which we are operating, we may be required to amend this privacy notice at any time. We would therefore kindly advise you to review this notice frequently.

Collecting, Using and Keeping your Data Secure

What data does the Trust collect?

Imperial College Healthcare NHS Trust provides acute and specialist care in five hospitals (Charing Cross, Hammersmith, Queen Charlotte's and Chelsea, St Mary's and Western Eye) and a growing number of community services in North West London. When you attend one of our hospitals or services, information is recorded about you on paper and electronically.

This includes details about:

- Your identity - name, date of birth, NHS number
- How to contact you - address, telephone, email address
- Your 'next of kin' - a close relative or friend
- A&E visits, hospital admissions or clinic appointments
- Scans, X-rays or tests
- Your diagnosis or treatment
- Any allergies or health conditions

Any information that identifies you personally is known as 'personal data'. We collect this personal data to build your health record. These records are collected and used by our staff to help them provide your care.

Under data protection law, we are the 'data controller' of the data we hold about you and we are responsible for determining how it will be used to perform our legal duty. We are registered with the Information Commissioner's Office as a data controller – our registration number is **Z1152836**.

Why does the Trust need to collect your data?

We want to provide you with the best possible care. Accurate and up-to-date information allows:

- Doctors, nurses and other healthcare professionals to decide the best possible treatment for you.
- For the Trust to review and improve the quality of our care and services.
- Your care to be continued safely if you are seen by clinicians in another of our
- Services or hospitals or in a partner health and care organisation.
- Your concerns to be properly investigated if you want to raise a concern or make a complaint.

We share your data with other NHS organisations to contribute to planning or service improvement. The collection of NHS statistics allows those organisations to plan for the future and ensure that the needs of patients are met nationwide.

We use your data in medical research undertaken by our staff or one of our research partners. This helps researchers to understand how to diagnose illnesses earlier and to develop new treatments. We aim to apply research discoveries to healthcare as quickly as possible in order to improve the lives of our patients and the wider population. Researchers will never be allowed to use data that identifies you personally. This data includes, though is not limited to, your name, address and contact details – unless you have given explicit, informed consent.

The Trust's Legal Duties

Providing care

We exercise our official authority under the National Health Service and Community Care Act 1990 (as amended by Section 28(3) of the Health and Social Care (Safety and Quality) Act 2015) by collecting, using and, if necessary, sharing your information in order to provide you with care. Data protection legislation allows us to use your information in order to carry out our official authority as an NHS Trust.

Service improvement and planning

We share your information with NHS England and other central NHS organisations because they hold official authority under the NHS Act 2006.

Most of the time, they will request information that has been anonymised – where your personal details such as your contact information have been removed. If they request your personal data, they will provide us with an additional legal justification.

Medical research

Improving medical diagnosis and treatment is in the interest of communities and public health. Research undertaken by the Trust, other NHS organisations or academic partners is lawful because we are acting within the capacity of a public authority and performing research in the public interest.

Research sponsored by commercial companies or charitable organisations is lawful because data is collected under the Trust's public authority, and then further processed for purposes of scientific research as permitted under of the Articles 5(1)(b), 5(1)(e), 9(2)(j) and 89(1) of the GDPR.

Medical Situations

There are some situations where staff are legally required to pass on information. For instance, they will have to share information to register a birth or they may share information with the police in order to prevent a serious crime.

This table shows the legal grounds for the different purposes for using your data.

Purpose	Legal Grounds
Providing you with care	Section 5 of the National Health Service and Community Care Act 1990, as amended by Section 28(3) of the Health and Social Care (Safety and Quality) Act 2015. Section 251 of the National Health Service Act 2006.
Service improvement and planning	General Data Protection Regulation Article 6(1)(e) and Article 9(2)(h).
Medical research	General Data Protection Regulation Article 5 (1) (b) and (e), Article 6 (1) (e), (f) and Article 9 (2) (g) (i) & (j) taking account of Article 89 safeguards and derogations.
Other situations	General Data Protection Regulation Article 6 (1) (c)

Will the Trust Share Your Data with Anyone Else?

We share your data with other health and social care organisations directly involved in your care. We will always have a legal agreement in place with these organisations and ensure that your data will be held securely:

- NHS organisations involved in your case – we share your data with other NHS trusts, GP surgeries and other care providers involved in your treatment.
- Non-NHS health and social care professionals – we share your data with local authorities and social workers concerned with your care. Our aim is to ensure that other health and social care providers have access to data that supports your care.

We share your data with organisations involved in planning and improving your care. We provide anonymised data or require legal justification if they request information that may identify you.

- NHS bodies – your data may be requested by NHS bodies concerned with the planning and commissioning of healthcare services, such as, clinical commissioning groups
- Regulatory, audit and inspection bodies – these organisations are concerned with regulating aspects of care and deciding where improvements may be made.

In some situations, we use other organisations to help us process your data to help us deliver your care. We will always have a legal framework in place with these organisations which ensures that they can only use your information as we instruct.

We undertake data sharing and interoperability initiatives with health and social care partners in NW London and beyond. This includes sharing data in order to support the development of a integrated care record across NW London (through Whole Systems Integrated Care), to support patient access to records from health and social care records generated in NW London (through the Care Information Exchange), and the joining up of local health records (through the Health Information Exchange).

We undertake much of our research in partnership with other organisations, in particular with Imperial College London. Together, the Trust and College jointly run one of the largest biomedical research centres in England. All research with or about our patients has to be ethically approved. In order to achieve more impact, researchers may need to link your health information to other data held about you elsewhere, such as the statistics about hospital attendance collected by NHS England. However, researchers can only use your data in compliance with legal obligations and in a manner consistent with ensuring the rights of data subjects.

We will not provide researchers with data that identifies you personally, unless you have provided explicit, informed consent to this or there is legal justification to provide this information. Where you have elected to apply the NHS Digital National Data Opt Out to your record, we will not share your personal confidential information for purposes beyond the purposes of supporting the provision of health and social care. More information on the National Data Opt Out is available online at: <https://digital.nhs.uk/services/national-data-opt-out>

What Data about me Stored Elsewhere is Shared with the Trust?

If you are already a patient of the Trust, we will be able to view your 'summary care record'. This is an electronic record of key data created from your GP records. This is made available to health professionals involved in your care and as a minimum includes your: name; address; date of birth; NHS number; any allergies and current medication.

Apart from the summary care record, other NHS organisations involved in your care may share information with us to help us care for you.

We are involved in research initiatives that involve patient information from other NHS trusts. If you are not a patient of Imperial College Healthcare NHS Trust, we will not receive your identity or contact details unless you have consented to this or there is legal justification for us to be provided with this information.

How is my Data Handled Safely?

We have a legal duty keep your data secure. Our staff undertake annual data security and protection training, and the Trust is subject to regular audits and independent reviews to make sure that we do keep your data safe.

We use other organisations to help us process your data. We make sure these organisations also comply with their legal obligations to keep your data secure, including when they are based outside of the UK. These organisations can only use your data in the way that we have instructed and they will never use your personal data for commercial gain.

How Long will the Trust Keep the Data?

The Records Management Code of Practice for Health and Social Care 2016 sets out what people working with or in NHS organisations in England need to do to manage records correctly. This Code of Practice is based on current legal requirements and professional best practice and was published on 20 July 2016 by the Information Governance Alliance (IGA). We will set a retention period for our research partners and any organisations that help us to provide your care. They must delete or return your data in line with the retention periods set out by the IGA.

What are Your Rights as a 'Data Subject'?

The right to be informed

We are required to inform you about how we collect and use your personal data.

The Right to Access

By law you are entitled to request a copy of the information we hold about you. This is known as a **Subject Access Request**. To submit such a request, we ask that you contact the Health Records team via:

- Email imperial.accesstohealthrecords@nhs.net;
- Phone: 0203 313 04001; or
- Post: Health Records Department, Charing Cross Hospital, Fulham Palace Road, London, W6 8RF.

The Trust must comply with a request without undue delay and at the latest within one month of receipt of a valid request. Please note this will be subject to verification of the identity of the requester as appropriate.

If we are unable to provide you with the information, then we will explain the reasons to you. In most cases we will provide a copy of the information to you for free but there are some circumstances the Trust will charge a reasonable fee. A reasonable fee for the administrative costs of complying with the request if:

- It is manifestly unfounded or excessive; or,
- An individual requests further copies of their data following a request.

At times we may not be able to share your whole record with you, particularly if the record contains confidential data about other people, data which could cause harm to your or someone else's physical or mental wellbeing, or which might affect a police investigation.

The right to rectification

You may request that we make changes to any data we hold about you that is incorrect or incomplete. We will take action to rectify inaccuracies in the personal data we hold about you when it is drawn to our attention. Sometimes it may be necessary to add an explanatory note to your data (an addendum) rather than change the original record.

The right to erasure

This qualified right is also commonly referred to as the 'right to be forgotten'. However, the GDPR sets out clear examples of when this 'right' does not apply. For example, data necessary in the scope of healthcare, social care and public health. The right will also not

apply in the context of public interest, specifically public health (e.g. preventive or occupational medicine, assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment, the management of health or social care systems, protecting against serious cross-border threats to health and more).

There are important clinical reasons for the Trust adhering to these standards. For example, the Trust would not erase medical diagnoses or allergy information from a health record as this would be against the best interests and clinical safety of the data subject.

The right to object to processing

You have a right to raise an objection to the processing of your personal data by the Trust, based on specific reasons for objection based on your personal circumstances. The Trust must consider this objection on the facts. Your objection may not be upheld if there are legitimate compelling reasons for the Trust to continue processing your data. The Trust is required to outline their consideration of your objection and the decision taken in the case.

The right to restrict processing

You may request that we restrict the processing of your data in certain circumstances – such as perceived inaccuracies on your medical record. A restriction of processing is usually a temporary measure while we investigate your concerns. The right to restrict processing is not an absolute right, and we may decide not to restrict the processing of your data if we consider that processing to be necessary for the purpose of the public interest or for the purpose of your legitimate interests.

The right to data portability

The right to data portability allows data subjects to obtain and reuse their personal data for their own purposes across different services. 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.

This right does not apply in the context of the collection of personal data for the support and provision of direct care, and is not applicable to the processing undertaken by the Trust. However, you still retain a right to access the information we hold about you as described above.

Rights related to automated decision making (including profiling)

Imperial College Healthcare NHS Trust does not make automated decisions about patients or carry out evaluations based on any automated processes (profiling).

More Information, Making a Complaint and Important Contact Details

You can find out more about how we process your information by visiting our website www.imperial.nhs.uk

Informing the Trust of any Issues or Concerns

If you have any issues or concerns please contact our patient advice and liaison service (PALS) or complaints team. PALS is an independent service available to patients, relatives, carers or visitors.

Contact PALS at St Mary's: Email IMPERIAL.PALS@NHS.NET to raise concerns and give feedback on any of our sites or services.

Alternatively, please call 020 3312 7777 from Monday to Friday, 09.00 - 17.00.

The walk-in PALS office is open Monday to Friday, 10.00-16.00 and located on the Ground floor of the Queen Elizabeth the Queen Mother (QEQM) building, St Mary's Hospital, South Wharf Road, London, W21 NY.

To contact PALS via post, please address your letter to:
PALS Manager,
Ground Floor,
Clarence Wing,
St Mary's Hospital
South Wharf Road,
London,
W2 1NY.

Alternatively, you may wish to **make a formal complaint**. To lodge a formal complaint, please email our Complaints Office at:

ICHC-TR.COMPLAINTS@NHS.NET

Alternatively, you may wish to send a letter addressed to:

Complaints Department,
Fourth Floor,
Salton House,
St Mary's Hospital,
Praed Street,
London,
W2 1NY.

Contacting the Data Protection Office

The Trust's Data Protection Officer is Philip Robinson, you can contact him at:

8th Floor of Salton House
ICT Division
St Mary's Hospital
Praed Street
London
W2 1NY

Email: imperial.dpo@nhs.net
Telephone: 020 370 48355

Contacting the Trust's Supervisory Authority

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information 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:

Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF

Website: www.ico.org.uk/concerns
Telephone: 0303 123 1113.

The Trust is registered as a data controller under the registration number **Z1152836**.