

## Imperial College Healthcare NHS Trust Patient Privacy Notice

This Privacy Notice serves as part of Imperial College Healthcare NHS Trust's ("our") transparent communication to you regarding the way we process your personal information when you use our services. This is so that you can adequately exercise your right, as a data subject, to be informed of everything that happens to your personal data.

Imperial College Healthcare NHS Trust ("the Trust") exercises its official duty 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 and follows strict obligations under the UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018. These obligations are strict because the personal data we collect from you includes sensitive data meriting special protection, such as your racial and ethnic origin or genetic information. They are also strict because in pursuance of our public duty we share your personal data with third parties not solely for the purposes of your direct care, and not always on the basis of your consent.

Imperial College Healthcare NHS Trust is the data controller of your personal data because we determine the means and purposes of processing. The Trust is registered as data controller with the Information Commissioner's Office under registration number **Z1152836**. If you have any questions about this Privacy Notice, or any of its contents, please do not hesitate to contact us (see our contact details at the end of this document in **Section 14 'Raising a question or lodging a complaint'**). Furthermore, contact details for those performing specific key roles within our Trust are also provided in **Section 15 'Further contact details for specific key roles in the Trust'**.

### In this Privacy Notice, you will find:

- What counts as personal information;
- What personal information we collect;
- Our purpose for processing your data;
- Our legal basis for processing your data;
- Whether there are other recipients of your personal data;
- Whether you have to provide it to us;
- How long we keep your personal information for;
- How we protect your personal information;
- Whether we intend to transfer it to another country;
- Your rights and freedoms;
- Changes to this Privacy Notice; and,
- Raising a question of lodging a complaint.

### 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 to 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](mailto: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](http://www.ico.org.uk/concerns) Telephone:  
0303 123 1113.

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

## 1. What counts as personal information?

Personal data, or personal information, 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.

## 2. What personal information we collect?

### 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**.

### 3. What is the purpose of collecting your personal information?

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 given explicit, informed consent. includes, though is not limited to, your name, address and contact details – unless you have

### 4. What is our lawful basis for processing your personal information?

#### **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)

**5. Do we share your personal information with third parties?**

We share your data with other health and social care organisations directly involved in you 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 consented 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-optout>

## **6. 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.

## **7. How long we keep your personal information?**

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.

## 8. How do we protect your personal information?

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.

## 9. Your rights

### 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](mailto: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).

## **10. Changes to this Privacy Notice**

We will always use your personal data for the purposes we outline unless you give your express consent for us to do otherwise, and in accordance with the UK GDPR. Any changes to our processing activities will be reflected via a change to this Privacy Notice, and we will seek fresh consent from you, if applicable.



## 11. Raising a question or lodging a complaint

You can find out more about how we process your information by visiting our website [www.imperial.nhs.uk](http://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](mailto: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](mailto: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:

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

Email: [imperial.dpo@nhs.net](mailto: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](https://www.ico.org.uk/concerns) Telephone:  
0303 123 1113.

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