# Patient Privacy Notice

This Privacy Notice explains what information we collect about you, how we store this information, how long we retain it and with whom, and for which legal purpose we may share it.

## Who we are

We are a hospice, providing a range of specialist palliative care and end of life services to the communities within Exeter, Mid and East Devon. The hospice is a local charity and we are registered with the Care Quality Commission and the Charity Commission.

Hospiscare is a Data Controller for the data we hold about you. We hold your data in order to provide you with healthcare. Therefore, we are registered with the Information Commissioner's Office (ICO) because we process personal and special categories of information under the Data Protection Act 2018. Our registration number is Z4946024.

## Why we collect personal information about you?

When you are referred to our services we ask for and hold personal confidential information about you, which will be used to support the delivery of appropriate care and treatment. Your doctor, as well as other health and social care professionals looking after you, record details of your health and any treatments or services you have received. This, alongside information that you may be able to directly provide, enables us to ensure that your care from our hospice team is truly individualised and meets all of your specific needs, and we can therefore provide you with the highest quality of care.

## What personal information do we need to collect about you and why?

Your personal information is any information that can be connected to you personally. If you can be identified from the information, it is personal information. The types of personal information we use and hold about you may include:

- Basic details, such as your name, address, contact details, date of birth, gender and NHS number

- Medical history
- Records of any contact we have had with you, including visits to our service
- Notes and reports about your health and any treatment you have received, either from us or other healthcare providers
- Information from people who care for you and know you well, such as health professionals relatives or those who care for you
- Information provided by you – this includes correspondence relating to feedback, concerns and complaints about the service you have received
- Recordings of telephone calls made to and from the hospice to refer you to our service, or to discuss clinical matters about the care that you receive.

It may also include personal sensitive information relating to sexuality, race, ethnicity, your religion or beliefs, and whether you have a disability, allergies, or other health conditions. We may also hold information in relation to your family, lifestyle, social and financial circumstances.

It is important for us to have a complete picture, as this information assists staff involved in your care to deliver and provide improved care and to deliver appropriate treatment and care plans to meet your needs.

## What is our legal basis for processing personal information about you and what do we do with your information?

Hospiscare is a public body established by the NHS Act 2006 as amended by the Health and Social Care Act 2012. As such, our business is based upon statutory powers which underpin the legal bases that apply for the purposes of the UK GDPR.

In order to process your personal information or share it outside of Hospiscare, we need a lawful basis to do so. If we process or share special category information, such as health information, we need an additional legal basis to do so.

We rely upon the following lawful bases:

**Article 6(1)(e) - public task and Article 9(2)(h) health and social care:** to provide you with healthcare; share information from, or allow access to, your patient record, for healthcare professionals involved in providing you with health and care, Supply information to help plan and manage services and prevent infectious diseases from spreading.

**Article 6(1)(c) – legal obligation and Article 9(2)(h) health and social care:** to share your information for mandatory disclosures of information such as public inquiries. The kind of organisations we may be required to share information with include NHS England and the Care Quality Commission.

**Article 6(1)(d) - vital interest, and Article 9(2)(c) - vital interests**: to share information about you with another healthcare professional in a medical emergency.

**Article 6(1)(e) - public interest task, and Article 9(2)(g) - substantial public interest:** to support safeguarding for patients who, for instance, may

be particularly vulnerable to protect them from harm or other forms of abuse.

**Article 6(1)(a) – consent, and Article 9(2)(a) - explicit consent:** in order to help the hospice investigate any feedback, including patient surveys, complaints or concerns you may have about contact with the hospice; help manage how we provide you with services from the hospice, for example, when you nominate individuals to contact the hospice on your behalf; share your information with third parties, for example, insurance companies and medical research organisations.

**Article 6(1)(c) legal obligation and Article 9(2)(f) legal claims:** to support the hospice to investigate legal claims and if a court orders us to do so.

**Article 6(1)(c) legal obligation:** in order for the hospice to share information with other organisations responsible for auditing or administering public funds, in order to prevent and detect fraud.

In some cases, we use your anonymised information (removing anything that identifies you):

- To support the health of the general public
- To ensure our services can meet future needs
- To review care provided to ensure it is of the highest standard possible
- To train healthcare professionals
- For research and audit
- To prepare statistics on our performance
- To monitor how we spend money

### Common law duty of confidentiality

Healthcare staff and volunteers will respect and comply with their obligations under the common law duty of confidentiality. We meet the duty of confidentiality under one of the following:

- You have provided us with your explicit consent
- For direct care, we rely on implied consent
- We have a legal requirement to collect, share and use the information
- On a case-by-case basis, we will share information in the public interest.

## Who do we share your information with and why?

In order to deliver and coordinate your health and care, we may sometimes share information with other organisations who are involved in your care, like your GP Practice or a Hospital where you are receiving care. We will only ever share

information about you if other agencies involved in your care have a genuine need for it. Anyone who receives information from the hospice is under a legal duty to keep it confidential and secure.

There may be certain circumstances, such as assisting the police with the investigation of a serious crime, where it may be necessary for the hospice to share your personal information with external agencies without your knowledge or consent.

We may also need to share information from your health records with other non-NHS organisations from which you are also receiving care, such as Social Services or private care providers.

Health and care services in Devon and Cornwall have developed a system to share patient data efficiently and quickly and, ultimately, improve the care you receive. This shared system is called the **Devon and Cornwall Care Record.**

It's important that anyone treating you has access to your shared record, so they have all the information they need to care for you. This applies to your routine appointments and also in urgent situations such as going to A&E, calling 111 or going to an out-of-hours appointment. It's also quicker for staff to access a shared record than to try to contact other staff by phone or email.

Only authorised health and care staff can access the Devon and Cornwall Care Record and the information they see is carefully checked so that it relates to their job. Also, systems do not share all your data – just data that services have agreed is necessary to include.

For more information about the Devon and Cornwall Care Record, please visit: https://www.devonandcornwallcarerecord.nhs.uk

### Use of Artificial Intelligence (AI)

We use a secure AI tool to assist with the transcription of conversations and contacts with patients, whether in person or by telephone, to support accurate record keeping. This information is checked by a Clinician and transferred into the patient's record. To find out more about the tools we use, please visit: Privacy Policy UK | Heidi Health

### International transfers

For any request to transfer your data internationally outside the UK/EU, we will make sure that an adequate level of protection is satisfied before the transfer.

## Where do we store your data?

Hospiscare use SystmOne which is an Electronic Patient Record (EPR) to record information about you and your care. We may also use other carefully selected third-party providers, to process information on our behalf.

## How long do we keep your information for?

We hold your information for as long as necessary and in line with our Record Retention Schedule. If you have any queries regarding retention, please contact our DPO at DPO@hospiscare.co.uk

## What are your rights?

The Data Protection Act 2018 and UK GDPR give you certain rights, including the right to:

- **Right of access**

  You have the right to request access to view or request copies of the personal information we hold about you; this is known as a Subject Access Request (SAR). How to access your own health records can be on our Individual Rights page.

- **Right to rectification**

  You have the right to have any errors or mistakes corrected within your medical records. This applies to matters of fact, not opinion. If the information is of clinical nature, this will need to be reviewed and investigated by the hospice. How to make a rectification request can be found on our Individual Rights page.

- **Consent**

  If the hospice is relying on the consent as the basis for processing your data, you have the right to withdraw your consent at any time. Once you have withdrawn your consent, we will stop processing your data for this purpose.

  However, this will only apply in circumstances on which we rely on your consent to use your personal data. Please be aware that if you do withdraw your consent, we may not be able to provide certain services to you. If this is the case, we will let you know.

  For example, if you consent to take part in a research study, you can withdraw your consent at any time. To find out more about the research we take part in, please visit: Research at Hospiscare

- **Right to object to or restrict the use of your information**

  There are certain circumstances in which you can object from your data being shared. Information regarding your rights to opt-out is detailed below:

  You have the right to object to your data being shared under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of sharing data that identifies you being used or

shared for medical research purposes and quality checking or audit purposes.

To opt-out of your identifiable data being shared for medical research or to find out more about your opt-out choices please ask a member of staff or go to NHS Digital's website:

**https://digital.nhs.uk/services/national-data-opt-out-programme**

- **Right to erasure**

The hospice is not aware of any circumstances in which you will have the right to delete correct data from your medical record, which the hospice is legally bound to retain. Although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the data and contact the hospice if you hold a different view.

If you wish to exercise one of your rights detailed above, withdraw your consent, or raise a complaint about how we have handled your personal data, you can contact our Clinical Director who will investigate the matter.

## Right to complain

Please let us know if you wish to discuss how we have used your personal data, raise a concern, make a complaint or compliment. You can contact us at:

The Clinical Director, Searle House, Dryden Rd, Exeter, EX2 5JJ

Following this, if you are still unhappy with how we have used your data, you can then complain to the Information Commissioner's Office (ICO).

If you wish to complain to the ICO follow this link:
**https://ico.org.uk/global/contact-us/** or call the helpline on **0303 123 1113.**

## Data Protection Officer

The **Data Protection Officer** for the Hospice is provided by Delt Shared Services and can be contacted via email at DPO@hospiscare.co.uk or by post, Data Protection Officer, Hospiscare, Searle House, Dryden Road, Exeter, EX2 5JJ.