

PRIVACY NOTICE – PATIENT INFORMATION

The Robert Jones & Agnes Hunt Orthopaedic Hospital NHS Foundation Trust

Introduction

This document summarises who we are, what information we hold about you, what we will do with the information we hold including who we may share it with and how long we will keep the information for. This document also explains what rights you have to control how we use your information

Who are we?

The Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation Trust (RJAH) is a leading orthopaedic centre of excellence. A specialist hospital with a reputation for innovation, the Trust provides a comprehensive range of musculoskeletal (bone, joint and tissue) surgical, medical and rehabilitation services; locally, regionally and nationally.

The Trust is registered with the Information Commissioner's Office (Registration Number Z4918057).

Our name, address and contact details are:

The Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation,

Oswestry,

Shropshire,

SY10 7AG

Telephone: 01691 404000

Why do we collect information about you?

We need information about you so that we can provide care services to you when you come into contact with us. Information about you is used to help deliver care services to you and which may include sharing with external organisations so that the care services are integrated.

Information will also be used to contribute to the management of healthcare systems, which means we may need to use your information to ensure the hospital is paid for the services it provides or is held accountable for the quality of the services provided.

Whilst we receive information from you when you come into contact with us, we also receive information about you from other individuals or organisations, such as when you are referred for treatment. We need enough information to be able to provide you with appropriate healthcare services.

What types of information do we use?

Personal data means any information relating to an identified or identifiable individual; an identifiable person is one who can be identified directly or indirectly.

Special category data means any information relating to racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life or details of criminal offences.

What do we use information for?

The hospital may need to process your **personal data** or **special category data** in order to:

- Provide healthcare related services to you;
 - Review the standards of care that we provide to make sure they are safe and effective;
 - Teach or train healthcare professional; this may also include anonymised data for wider educational purposes;
 - Carry out audit, satisfaction surveys and service evaluation;
 - Manage complaints, concerns, legal claims and incidents;
 - Make sure the hospital is paid for the services that it provides;
- In addition, information may be used for approved research projects. In most instances the information will be made anonymous so that you cannot be identified. If this is not possible, we will ask your permission or request approval from the Health Research Authority's Confidentiality Advisory Group in the form of section 251 approval.

Where we do this we will process your **personal data** because it is necessary **for the performance of a task carried out in the public interest**. Where we process your **special category data** we will do so because it is necessary **for the purposes of preventive medicine, medical diagnosis, the provision of healthcare or treatment or the management of healthcare systems**.

We have an obligation to protect the health of the general public and where we do this we will process your personal data **for the performance of a task carried out in the public interest**. Where we process your special category data we will do so because it is necessary processing is necessary **for reasons of public interest in the area of public health**.

As a healthcare provider, there may be occasions where we need to process **personal and/or special category data** because someone is at risk of serious harm and, where we do this, we will process the information to protect that person's **vital interests**.

There may occasions when we will be obliged to process your information in order to comply with a court order, coroner's instruction, to prevent or detect crime or to comply with the law. Where we do this we will process your **personal and/or special category data** to **comply with a legal obligation** to which the Trust is subject.

If we process your information for other purposes that are not described above then we will seek your **consent** to do so before we process it.

With whom do we share your information?

You may be receiving care from other people as well as the NHS so we may need to share your information with them, for example, with:

- Other healthcare professionals e.g. doctors, nurses, ambulance services
- Partner organisations who contribute to your long term care e.g., GPs, social services, private sector providers
- Carers or guardians with parental responsibilities
- Disclosure to NHS managers and the Department of Health for the purposes of planning, commissioning, managing and auditing healthcare services

- Disclosure to bodies with statutory investigative powers such as the Care Quality Commission, the General Medical Council, the Audit Commission or the Health Service Ombudsman
- Government departments such as the Department of Health or the Home Office
- Disclosure to solicitors, to the police, to the courts (including a Coroner's court), and to tribunals and enquiries

We will not share your information for marketing, social media or insurance purposes unless we have your **consent** to do so.

One Health and Care (OHC) Shared Record

The Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation Trust is a partner in One Health and Care, which is a confidential shared care record that provides health and care professionals with access to important information when they need it to help you.



When you visit any of the organisations listed on the OHC Privacy Notice, or use services provided by them, staff directly involved in your care will have access to important information from health and social care records.

For further information, please click here [One Health and Care Privacy Notice \(stwics.org.uk\)](https://www.stwics.org.uk/One-Health-and-Care-Privacy-Notice).

How long do we keep your personal information for?

The NHS has a comprehensive set of guidelines, which govern the length of time that we may keep your records for, which are called the NHS Retention Schedules. The Robert Jones & Agnes Hunt Orthopaedic Hospital NHS Foundation Trust will comply with the NHS Retention Schedules.

There may be occasions where the Trust will be obliged to vary from the NHS Retention Schedules, for examples, in response to a Court Order or other equivalent legal requirement.

Information about the NHS Retention Schedules may be found via the NHS Digital Website at:

<https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

What measures do we take to protect your information?

We take our duty to protect your personal information and confidentiality seriously. We are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

We have appointed a Senior Information Risk Owner (SIRO), a 'Caldicott Guardian' and Data Protection Officer (DPO) who between them are responsible for the management of patient information and patient confidentiality. We also have a team of people involved in Information Governance who provide support to these roles. We use controls systems in place to allow only those that have a need to access your health records are allowed to do so and we have monitoring systems in place to verify who has accessed your health records

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information, and inform you of how your information will be used.

Everyone working for the NHS is subject to the common law duty of confidentiality. Information provided in confidence will only be used for the purposes advised or consented to by the service user, unless it is required or permitted by the law.

What are your rights in relation to your personal information?

Unless subject to an exemption, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which the Trust holds about you
- The right to request that the Trust corrects any personal data if it is found to be inaccurate or out of date
- The right to request your personal data is erased where it is no longer necessary for the Trust to retain such information – **as the hospital's lawful basis to process falls under *performance of a task carried out in the public interest*, this aspect does not apply**
- The right to withdraw your consent to the processing at any time if you have previously given consent for processing
- The right to request that the Trust provide you with your personal information and where possible, to transmit that data directly to another data controller, where your information has been processed with your consent
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing
- The right to object to the processing of personal data
- The right to lodge a complaint with the Information Commissioners Office.

Further information about your rights can be found via the Information Commissioners website, which is <https://ico.org.uk/>

What happens if we need to transfer your information abroad?

The Trust does not routinely transfer information outside the European Union but if there is a need to do so we will ensure that the security and protections that are put in place are of equivalent standard to those standards that we would use internally when processing your information.

What if we wish to use your information for another purpose?

If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining the new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we ensure there is a legal justification for such processing.

Where the Trust wish to use your information that is for any reason not in line with administering the business of the Trust or complying with a legal obligation then we will seek your consent to do so.

National Data Opt-Out

The information collected about you when you use NHS services may also be used for purposes beyond your individual care, such as research and planning. Most of the time, this data is anonymised. You have a choice about whether your **confidential patient information** is used for these purposes. If you do not want your information to be used for research and planning, you can set a **National Data Opt-Out**.

To find out more or to set your choice, visit www.nhs.uk/your-nhs-data-matters or use the NHS App.

This opt-out does **not** affect your individual care and does not apply in certain circumstances (for example, where there is a legal requirement to share information).

Our Trust complies with the National Data Opt-Out policy and ensures your choice is applied to any use or disclosure of confidential patient information for research or planning.

Where can you get further information?

If you do not wish to have your information used in any of the ways described, please contact:

Dylan Murphy – Interim Data Protection Officer

Trust Offices

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Oswestry

Shropshire SY10 7AG

Telephone number 01691 404358