Hertfordshire Community NHS
NHS Trust

Protecting and using of personal information - your rights



This leaflet outlines our responsibilities:

- in the collection and use of personal information
- who we may pass it to
- your right to access your care records

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Protecting and using of personal information - your rights

As a patient under our care you will be asked for information about yourself, so that we can provide you with the care and treatment that you require.

All information provided, whether for the purposes of providing direct care or for administrative reasons to support giving that care is classified as personal confidential information. Your records will also be added to (or updated) as your care and treatment progresses, and they remain confidential throughout, whether the information has been supplied by you, a third party (such as a carer or other organisation) or has been recorded by a healthcare professional. It is essential that we keep records as we cannot treat you safely or provide continuity of care without having relevant and necessary information.

Sometimes, relevant information from your (confidential) records may be also shared with other care professionals or agencies, either through electronic or manual means. An example may be to routinely share information with social care professionals or others involved in your direct care, this will be so that continuity of appropriate care can be provided to you or to share the information is otherwise in your best interests.

When information is shared, this is done according to strict criteria and in accordance with the law (such as the Data Protection Act).

These criteria are called "The Caldicott Principles" and they include:

- justifying the transfer of the confidential information
- only using or transferring confidential information if it is absolutely necessary
- using or transferring the minimum necessary personal, confidential information
- transferring confidential information only if the recipient has a "need to know"
- recognising that a duty to share otherwise confidential information can be as important as the duty to protect patient confidentiality.

Other than where we have a legal right or obligation to share or provide confidential information, such as where it is necessary for your direct care, we may in some cases ask you for your specific consent for information about you and your care to be shared.

Consent can be given by the parent or carer who has parental responsibility of a child or young person on their behalf. A young person who can understand the consent process may be able to give their own consent.

Otherwise, by giving you this information leaflet, we may take this as "implied consent" for the sharing of information (subject to the controls and obligation referred to above and later in this leaflet).

However, you do have the right to withdraw your consent for the sharing of personal, confidential information.

This may be in respect of:

(1) the content of the information (in whole or in part) and/or
(2) restricting who we may share the information with.

If you do not wish your records to be shared (in whole or in part) or you wish to specifically restrict who information can be shared with, please speak to the healthcare professional(s) providing the care to you. However, please note that imposing restrictions may, in some cases, have an impact on the care you receive. This can be discussed with your healthcare professional(s).

Confidentiality

All staff within Hertfordshire Community NHS Trust are aware of their legal duty under the Data Protection Act 1998 to keep information about you confidential.

The law strictly controls how and when we are allowed to share personal information. However, we want you to be aware that some information may be lawfully shared within and outside the NHS. Sometimes the information shared will need to identify and be specifically about you. Sometimes it will not identify you personally and this is called de-identified information.

Passing on information which identifies you

The main reason information about you might be shared, is to benefit your overall care by ensuring that:

- other professionals working with you have the information that they need
- the quality of your care is maintained, via reviews by more senior or specialised staff
- your GP is kept informed
- the local authority have the information needed if you are applying for education or social care support.

Other reasons may be:

- the investigation of your complaint, if you make one
- notification of an infectious disease, if you had one.

Finally we may be required to pass on information in the public interest, such as for the protection of a child or a vulnerable adult. It is important for you to know that anyone who receives information from us is also under the same legal duty to keep it confidential

Passing on de-identified information

From time to time, we may use information from your care records in a way which does not identify you (de-identified information).

This will help to:

- support the training and education of clinical staff
- provide data for clinical research
- help plan future services to meet users' needs.

Other information is routinely collected for performance monitoring and public health purposes and only involves statistics, such as:

- the numbers of people we see
- the diagnosis involved
- their age ranges and so on.

If you are not happy with the way that your information is held or shared, please raise this with your health professional. You have a right to complain in writing if you are not satisfied with their response.

Your rights of access to your care records

The Data Protection Act (1998) gives you the right to request access to your own care records. You can also give permission for someone else to apply to see them.

Arrangements can be made for you to view the original records with someone who can explain them to you, or to send you a copy.

There will be a standard administration charge for the service.

Contacts

If you want more information about the way that your personal information is protected and used:

Please write to:
Compliance Manager
Hertfordshire Community NHS Trust
Unit 1a Howard Court
14 Tewin Road
Welwyn Garden City
Hertfordshire
AL7 1BW

Telephone: 01707 388000
Web: www.hct.nhs.uk

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If you would like a copy of this document in LARGE PRINT, Braille or audio tape, or would like this information explained in your own language, please contact 01707 388148

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