

Your Information

This booklet explains why information is collected about you and the ways in which this information may be used. You may also have heard about this booklet as the Fair Processing Notice or Privacy Notice. This booklet is written to inform you how the Trust is complying with the General Data Protection Regulations 2016 (GDPR), the Data Protection Act 2018 and the Access to Health Records Act 1990. It also explains how you can access or **get copies** of your information.



Who we are

Kingston Hospital NHS Foundation Trust is a medium sized district general hospital in Kingston upon Thames. We serve a population of approximately 350,000 people locally. We have some 520 beds and provide the following services:

- Full A & E service (you may also hear this being called Emergency Department or ED) and an Urgent Treatment Centre (UTC)
- Elective and Emergency Services in Surgery and Medicine – either admitted as an in-patient to the hospital, as a day-surgery patient or as an outpatient attending appointment(s).
- Women's and Children's Services such as maternity and in-patient and outpatient appointments for children
- Therapies (for instance Physio or Occupational therapy), Diagnostics (x-ray, MRI, blood and other laboratory tests) and Pharmacy Services

We also provide outpatient or day-surgery facilities at a number of community locations. Please see our website for details.

The Trust is registered with the Information Commissioner's Office, the UK's Independent body set up to uphold information rights, including your rights on your information. Our registration number is Z7070123.

Our Caldicott Guardian (senior person who ensures that patient information is shared appropriately) is Miss Jane Wilson. She is also our Medical Director. Her contact details are Jane.Wilson15@nhs.net tel 020 8934 2450.

Our Senior Information Risk Owner (SIRO - focal point for managing information risks and incidents) is Ms Yarlini Roberts, who is also our Interim Finance Director. His contact details are Yarlini.Roberts@nhs.net tel 020 8934 3528.

Our Data Protection Officer is Ms Janice Sorrell who is also Head of Information Governance and the Freedom of Information Lead. Her contact details are Janice.Sorrell@nhs.net tel 020 8934 5292.

Why we collect information about you

For Patients

We ask you for information about yourself so that you can receive care and treatment. We keep this information, together with details of your care, because we legally have to under the Public Records Act 1950, and more importantly it may be needed if we see you again, and it allows continuity of care.

As data controllers under the GDPR we process personal data (under Article 6) and sensitive data which the GDPR terms as Special Categories (under article 9).

Personal data is defined as information relating to a living individual that can identify them. Examples include name, date of birth, NHS Number or a combination that can also identify an individual.

Special Categories are defined as: race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life and sexual orientation.

The legal basis for the Trust as a public authority for processing information for your individual care under GDPR is as follows:

Article 6

6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'

6(1)(d) '...necessary in order to protect the vital interests of the data subject or of another natural person'

and

Article 9

9(2)(h) '...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...'

For safeguarding

9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’

Our guiding principle is that we hold your records in strict confidence.

The Information we collect about you may include:

- Your name and address
- Your medical conditions, allergies and medications
- Treatment provided and contact you have had with us
- Results of investigations, such as x-rays, MRI / CT and laboratory tests
- Reports about your health and the care you need
- Relevant information from other health professionals
- Smoking status
- Any learning disabilities
- Religion
- Marital status
- NHS number
- Occupation
- Overseas status
- Place of birth
- Preferred name or maiden name
- Where applicable, the date, cause and place of death
- Your ethnic origin, in order to help in planning services and ensuring equal access
- School details
- Child/Adult protection status
- Email address
- Your religious, spiritual or pastoral beliefs (or none)
- Family details
- Sexual life
- Next of Kin details
- Power of Attorney Status / Deputyship under the Mental Capacity Act (Health and Personal Welfare)
- Photographs, audio and video recordings

For Staff, Volunteers, Governors, Non-executive Directors and Job Applicants

The Trust keeps information on employees, volunteers and job applicants in connection with their work for the Trust or their application.

The legal basis for the Trust as a public authority for processing information for this under GDPR is as follows:

6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.

9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law..’

For individual contractors providing services to the Trust.

Article 6(1)(b) is necessary for a contract where the individual has a contract with the Trust or because the individual has asked the Trust to take specific steps before entering into a contract.

This information may include:

- your name, address and contact details, including email address and telephone number, date of birth and gender
- the terms and conditions of your employment/appointment
- details of your qualifications, membership of professional bodies, skills, experience and employment history, including start and end dates, with previous employers and with the trust
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the trust needs to make reasonable adjustments; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief

The Trust may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by

you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments. In some cases, the trust may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Not a Patient or Staff? – for Visitors, Relatives, Friends, Next of Kin etc

It is possible that the Trust holds information on you as part of someone else's record. Under GDPR you may still be entitled to receive a copy of this information, so long as it would not breach the confidentiality of the person whose records hold the information, or there is another reason not to provide it.

The legal basis for the Trust as a public authority for processing information for your data under GDPR is as follows:

6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'

What the GDPR/DPA terms mean:

Contract: the processing is necessary for a contract the individual has with the Trust, or because they have asked the Trust to take specific steps before entering into a contract.

Legal obligation: the processing is necessary for the Trust to comply with the law (not including contractual obligations).

Vital interests: the processing is necessary to protect someone's life.

Exercise of Official Authority: there are many Acts of Parliament which set out the responsibilities and authority of NHS bodies, such as Foundation Trusts of which Kingston Hospital is one. For instance, the Health and Social Care (Community Health and Standards) Act 2003 and the Health and Social Care Act 2012.

Public task: the processing is necessary for the Trust to perform a task in the public interest or for the Trusts official functions, and the task or function has a clear basis in law.

How your patient records are used to help you

- Your doctor, nurse or any other healthcare professional involved in your care needs to have accurate and up-to-date information to assess your health.
- A record of any treatment or care you receive in hospital needs to be kept, in case you return for further treatment.
- This information is available should you have to see another doctor at Kingston Hospital, or receive treatment elsewhere in the NHS.

- Your records are a good basis for hospital staff to assess the type and quality of care you have received.
- Your concerns can be properly investigated if you need to complain.

How your patient records are used to help the NHS

- Review the care we provide for you and other patients, to ensure it is of the highest standard.
- helps to ensure sure our services can meet patients' needs in the future.
- Teach and train healthcare professionals.
- Conduct health research and development.
- Make sure your hospital gets paid for your treatment.
- Audit NHS services and accounts.
- Prepare statistics on NHS performance.
- Investigate complaints, legal claims or untoward incidents.

Some of this information will also be held centrally by the NHS where it is used for statistical purposes in order to plan ahead. This is known as Secondary Use. Strict security measures are taken to ensure that individual patients cannot be identified.

Anonymous statistical information may also be passed to organisations with a legitimate interest in health care and its management, including universities, community safety units and research institutions.

Where it is not possible to use anonymous information, personally identifiable information may be used for essential NHS purposes such as research and auditing. This will only be done with your consent, unless the law permits the information to be passed on to improve public health or the research has been approved by the Confidentiality Advisory Group (CAG - a national body comprised of ethicists, data protection experts as well as lay people).

There are times when it may be necessary to be able to track back to the patient. In these cases the patient detail is replaced by a code and we keep the decode in the Trust. This is called pseudonymisation and is sometimes known as partial de-identification.

How we keep your records confidential

Everyone working for the NHS has a legal duty to keep information about you confidential.

You may receive care from other people as well as the NHS (like Social Services). We may need to share some information about you so that we can all work together for your benefit. We will only ever use, or pass on, information about you if others involved in your care have a genuine need for it such as our partner organisations which we have listed in this booklet.

All NHS organisations must comply with the NHS Care Records Guarantee. The document sets out the rules that govern how patient information is used in the NHS and what controls a patient can have over this.

We will not disclose your information to third parties without your consent unless there are exceptional circumstances. These may be in situations when the health and safety of others is at risk, or where the law permits information to be passed on. Anyone who receives information from us is also under a legal duty to keep it confidential.

We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional.

Occasions when we must pass on information include:

- Notification of new births.
- Where we encounter infectious diseases which may endanger the safety of others, such as meningitis, or measles (but not HIV/AIDS).
- Where a formal court order has been issued.
- Where a serious crime has been committed or a terrorist incident.

We have appointed a senior person, our Medical Director, as our Caldicott Guardian. The Caldicott Guardian is responsible for protecting the confidentiality of patients and enabling appropriate and lawful information sharing.

Further contact details of our Caldicott Guardian are as follows

Miss Jane Wilson
Medical Director
Chief Executive's Office
Kingston Hospital NHS Foundation Trust
Galsworthy Road
Kingston upon Thames
Surrey
KT2 7QB

Tel: 020 8934 2450

Who are our partner organisations?

The principal partner organisations or people with which relevant information may be shared are:

- Other NHS Trusts and Foundation Trusts
- Clinical Commissioning Groups (CCGs - who commission hospital services – usually information is partly or fully anonymised)
- General Practitioners (GP)
- Ambulance services
- Social services
- Private sector providers, such as care homes or home care delivery services
- Family, associates and representatives (with your consent or under Lasting Power of Attorney/Deputyship under Mental Capacity Act – Personal Welfare)

In particular, we have strong links with tertiary and specialist hospitals such as St George's University Hospitals NHS Foundation Trust, who provide lab testing, and The Royal Marsden NHS Foundation Trust who provide cancer services on the

Kingston Hospital site in the Sir William Rous Unit. The Trust also jointly runs the Elective Orthopaedic Centre at Epsom Hospital in partnership with St George's University Hospitals NHS Foundation Trust, Croydon Health Services NHS Trust and Epsom and St Helier University Hospitals NHS Trust

Relevant information may also be shared with the organisations below. Where this is done it will be either to benefit your treatment plan or to help plan future services for others. Usually this is covered by a strict agreement describing how the information is to be used (a Purpose Specific Information Sharing Agreement).

- Local authorities
- Education services, such as research at universities
- Voluntary sector providers, such as patient groups or health charities

Summary Care Record

The Summary Care Record (SCR) is a summary electronic patient record of national health services patient data held on a central secure database covering the whole of England. The purpose of the system is to make 'essential' patient data readily available anywhere the patient seeks treatment. The Trust does not feed any information into the system however staff that are treating you at the Trust may access the SCR to view your record with your consent or when it is in your vital interest.

Kingston Care Record

The Kingston Care Record, set up by Kingston CCG, is a confidential electronic record of your health and social care information. It is stored on a secure computer system. We can access this information at Kingston Hospital with your consent.

This means that your doctor, nurse or social worker will be able to offer you the best possible care and support quickly and safely.

For more information please follow this link -

<http://www.yourhealthcare.org/services/kingston-care-record/>

This is gradually being replaced by Connecting your Care. Please see below.

Connecting your Care

Health and Social care organisations are improving the way we connect your care across south west London. Health and care professionals are now able to access your records from other health and care organisation when you need them to. This will make it quicker and easier for you when you visit your GP or hospital.

Connecting your Care means that professionals involved in your care such as your GP, Hospital Doctors, Nurses and Social Workers and other care organisations will be able to immediately see important information about you through a secure system, to help them make the best decisions about your care, which could be lifesaving in emergency situations.

If you are happy for your information to be shared in this way, then you don't need to do anything.

If you do not want your information to be shared, you have the right to opt out by

visiting the link below and downloading the opt-out request form.

You can also pick up an opt-out request form from your GP practice or the Patient Advice and Liaison Services (PALS) at the Hospital.

Before opting out, please make sure you have read these FAQs so that you understand the benefits that we believe being part of this programme will bring you. Please also read the Deciding to Opt Out leaflet.

For more information please follow this link:-

<https://www.swlondon.nhs.uk/ourwork/connectingyourcare/>

National Data Opt-Out – (planning and research purposes)

NHS Digital is developing a new system to support the national data opt-out which will give you more control over how your patient information is used. The system will offer you the opportunity to make an informed choice about whether you wish your confidential patient information to be used just for your individual care and treatment or also used for research and planning purposes.

This new system was launched in May 2018. To find out more please follow this link - www.nhs.uk/your-nhs-data-matters

Information we are required to report

We are also required by law to report certain information to the appropriate authorities, for example notification of new births. We may also provide information regarding crimes to the police and where a court order has been received.

Whenever we share information with other organisations we will do this in line with the Data Protection Act and the NHS Confidentiality Code of Practice (2003).

We share anonymous information with local authorities and the police for the purposes of crime mapping.

We do not share information, in the ways described above, regarding treatment you may have received in the specialities of sexually transmitted infections and human fertilisation and embryology (notwithstanding any legal requirements imposed on the trust).

Overseas Visitors

We need information about you in order to comply with our legal obligation, which is to ensure that the Trust is paid for any services it provides and to undertake any processing that will allow us to verify whether you are entitled to free NHS care. Our obligations are set out in the Department of Health & Social Care Guidance on implementing the overseas visitor charging regulations.

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 or in response to questions relating to your eligibility for

free NHS care. We also need enough information to be able to provide you with appropriate healthcare services.

Where it is necessary for discharging our obligations in this area, your personal information may be sent to the Home Office. The information provided may be used and retained by the Home Office for its own purposes, which include enforcing immigration controls overseas, at the ports of entry and within the UK. The Home Office may also share this information with other law enforcement and authorised debt recovery agencies for purposes including national security, investigation and prosecution of crime, and collection of fines and civil penalties

National Counter Fraud Initiative

Kingston Hospital NHS Foundation Trust is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. The following link will take you to the Privacy Notice of the National Counter Fraud Initiative which details the information which we may share and the legal basis for this.

<https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text>

Kingston Private Health Unit

All hospitals which provide private healthcare are required by law to send information to PHIN (Private Health Information Network) on each episode of care. PHIN publishes information about the activity and performance of hospitals providing private care. They do this in order to help people choose their care provider. This includes some personal data through they will not be able to identify you from this. Please see the PHIN Privacy Notice for further details –

<https://phin.org.uk/footer/privacy-notice>

Clinical Audit

The Department of Health & Social Care mandates all NHS Trusts to undertake clinical audits on care delivered to patients, which can be undertaken by clinical staff employed by us or by external audit companies. This could involve individuals who have not been involved with your direct care accessing your medical records. Further information on national clinical audit can be found by clicking on the link below.

<https://www.england.nhs.uk/clinaudit/>

We have an annual clinical audit programme which requires clinical staff to participate. Clinical staff consider patient medical records to review the care provided, and to identify ways in which the care could be improved in the future.

Research

Undertaking research is an important element of providing healthcare. Clinical staff are actively encouraged to participate in research trials. The Trust's Research and Development Department manages all research projects undertaken by us. Your

participation in a research project will only take place with your explicit consent, or if the national Confidentiality Advisory Group (CAG) agrees that it should have special permission to undertake research without consent. The Trust occasionally works with other organisations e.g. universities and external organisations to pilot new ways of working, with the aim to provide improved and more efficient services to patients. Where the Trust undertakes this work you will be informed and be asked if you wish to participate.

Complaints and Legal Claims

In order to deal with issues raised by you or to process your complaint or legal claim, staff within our Legal Department and Complaints Department will access your medical records and may share this information with other staff as well as external third parties where applicable, including our solicitors or NHS Resolution (formerly NHS Litigation Authority).

We take patient safety very seriously. If an incident occurs which was not expected we will investigate it, therefore the staff involved in your care, with support from the Trust's Quality Governance Department, will access your medical records.

Kingston Hospital Charity

The Kingston Hospital Charity has set up their own Privacy Policy. Please follow this link - <https://www.kingstonhospital.nhs.uk/get-involved/kingston-hospital-charity/about-us/privacy-policy.aspx>

Foundation Trust Membership

Kingston Hospital has a membership of more than 7,000 members from the local communities we serve. We need our local community to become members of our hospital and to support us and help shape the future of Kingston Hospital and the services we offer local people. Membership is free and it is completely up to individual members how involved they want to be.

Staff at Kingston Hospital are also automatically members unless they choose to opt-out.

A third party company manages the Trust's Foundation Membership database. This third party company is bound by strict confidentiality agreements.

Social Media

When you use our website or interact with our social media presence (e.g. Twitter, Instagram and Facebook) your data (e.g. comments, likes, reviews) may be visible to providers of social networking services and their users.

We suggest that you review the privacy and security settings of your social media accounts to ensure you understand how your data may be shared and used.

Automated decision-making and profiling

The Trust does not carry out automated decision making but will endeavour to identify people who may benefit from additional services (profiling) for example those who attend our emergency department frequently.

Appropriate staff, for example clinicians, would make the actual decisions based on the available information.

Transfers of your information to third countries or international organisations

It may sometimes be necessary to transfer personal information overseas. When this is needed information is only shared within the European Economic Area (EEA) unless additional safeguards have been put in place to protect your information.

Any transfers made will be in full compliance with all aspects of current data protection legislation.

How long do we hold your information for?

We retain health records for at least 8 years from the last date that we saw you at the Trust and until 25th birthday for children. For patients who have had cancer or blood transfusion your record is kept for 30 years after we have finished treating you.

These are the minimum times for which we keep information; we may keep it for longer if we believe doing so will be of benefit to you or we are not able to delete it, due to a technical issue for example.

We have a duty to:

- Maintain full and accurate records of the care we provide to you
- Keep records about you confidential and secure

Further details can be found in “The Records Management Code of Practice for Health and Social Care 2016”. Even in this document it is not possible to detail every single component that would go into a health record or other record retained by the Trust and, in some instances, what information would not go into a record. For instance, some scan images cannot be taken off the machine they were recorded on and in these cases the report that is based on the image becomes part of the record. Please contact the Data Protection Officer if you have specific questions.

Your rights in respect of restricting our processing of your information

- **Your right to be informed:**

This means you have a right to be informed about the way we collect and use your data. This is why we are publishing this leaflet.

- **Your right to rectification:**

This means you have the right to have inaccurate (incorrect or misleading as to any matter of fact) personal data corrected or completed.

- **Your right to have your personal information erased**

This right is not absolute and only applies in certain circumstances.

It does not apply to Health Records which are legal documents under the Public Records Act 1950.

You can request either in writing or verbally to have your information erased. We will respond to your request within one month.

When does the right to erasure **not** apply?

If the processing is necessary for public health purposes in the public interest (eg protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); or

- if the processing is necessary for the purposes of preventative or occupational medicine (e.g. where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services).
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims.

- **Your right to Restrict processing:**

This means that you can request the processing of your data is blocked and your data stored separately.

- You may request a restriction verbally or in writing. This is not an absolute right and will depend on the circumstances of your request.
- The length of time the restriction will apply for will depend on the circumstances of your request.
- If you restrict our processing of your data we are permitted to store the personal data, but not use it.
- We will respond to your request within one calendar month.

You have the right to restrict the processing of your information in the following circumstances:

- You contest the accuracy of your personal data and we are verifying the accuracy of the data.
- We no longer need the personal data but you need to keep it in order to establish, exercise or defend a legal claim; or
- You have objected to the Trust processing your data under Article 21(1), and The Trust is considering whether the Trust's legitimate grounds override yours (the individual).

- **How might we restrict processing?**

We may:

- Make the data unavailable to users.

- **When will a restriction be removed?**

Once we have made a decision on the accuracy of the data, or whether our legitimate grounds override those of the individual, we may decide to lift the restriction. We will inform you before we lift the restriction.

- **Your right to data portability**

This means that you can request a secure transfer of your data to another Data Controller.

The right to data portability only applies when:

- the data is about you and that it was provided by you to the Trust.
- where the processing is based on your consent or for the performance of a contract; and
- when processing is carried out by automated means

- **Your Right to object**

This means that you have the right to object to the Trust processing your data where the processing is based on:

- legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics.

You must have an objection on "grounds relating to your particular situation".

We will stop processing your information unless:

- We can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms; or
- the processing is for the establishment, exercise or defence of legal claims.
- the Trust is conducting research where the processing of personal data is necessary for the performance of a public interest task, in which case the Trust is not required to comply with an objection to the processing.

- **Your right to withdraw your consent**

This means that in situations where you have given your explicit consent for your information to be processed you have the right to withdraw your explicit consent for the processing of your information. Please note that this does not apply to your individual care which is provided under other legal basis (please see previously).

You can withdraw your consent by informing the department / team that took your consent. You can do this in writing or verbally.

The fact that consent may be obtained for confidentiality purposes does not mean that consent must also be the lawful basis applied for the purposes of processing data in compliance with the GDPR. Well established national guidance on confidentiality remains applicable.

It should be noted that:

- Data protection requirements (GDPR) do not affect the common law duty of confidence (confidentiality).
- Although the practice of assuming implied consent for processing data for direct care purposes will not comply with the consent standards under the GDPR, this does not mean that implied consent ceases to be valid for confidentiality purposes (e.g. sending a discharge summary to your GP).

Closed Circuit Television (CCTV)

The Trust makes use of CCTV systems including body worn cameras for crime prevention in line with the Information Commissioners CCTV code of practice.

If you email us

Please note that emails sent to us may not be secure in transit and that we cannot take any responsibility for the security of your email before it is received by the Trust. We may choose not to reply via email if we have concerns regarding confidentiality and/or security. Please also note that we may use email monitoring or blocking software.

Email is not a guaranteed delivery service - if your communication is important please confirm we have received it by other means.

You have a responsibility to ensure that any email you send to us is within the bounds of the law.

Further information

If you would like to know more about how we use your information or if, for any reason, you do not wish to have your information used in any of the ways described in this leaflet, then please speak to your health care professional.

You can also contact
Ms Janice Sorrell
Head of Information Governance / Data Protection Officer
Kingston Hospital NHS Foundation Trust
Galsworthy Road
Kingston upon Thames
Surrey
KT2 7QB
Tel: 020 8934 5292

www.kingstonhospital.nhs.uk

If you feel that we have not adequately dealt with your query or complaint regarding how we process your information you can raise the issue with the Information Commissioner who is the supervisory authority for the United Kingdom (the Regulator) at the address below:

Information Commissioner's Office

By phone: 0303 123 1113

By letter:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

By email casework@ico.org.uk

<https://ico.org.uk/>

If you would like this leaflet in your own language, in large print, in Braille or audiotape, please call 020 8934 2003.

How you can get access to your information

The General Data Protection Regulations (GDPR) / Data Protection Act 2018 allows you to find out what information is held about you on computer and in certain manual records, including your health records, personnel files (for staff) and other systems. This is known as the “Right of Subject Access”, a Subject Access Request. The Regulations say that the information should be provided within one month but we aim to provide the information within 28 calendar days or sooner if possible.

Although the GDPR does not require you to fill in a form, doing so will help the Trust in identifying the information you require and guide you in what proof of identity you need to provide. If you choose apply by letter we would ask you to be as clear as possible in stating the information you require and to provide the proofs of identity. We have provided forms at the end of this leaflet.

Please be as detailed as possible when requesting information, for instance stating date ranges, appointment types or specific letters.

For Patients

1. For access to the records of living patients, the General Data Protection Regulations / Data Protection Act 2018 became effective from 25 May 2018, and superseded the Data Protection Act 1998 and the Access to Health Records Act 1990. For access to the records of deceased patients, The Access to Health Records Act 1990 which came into force on the 1st November 1991 still applies to manual records created from that date though we would also provide computer records.
2. People who can apply for Patient Records include:
 - ❖ the Patient about whom the record has been compiled (the Data Subject), or
 - ❖ someone acting on behalf of the patient, for example
 - ☐ by written authorisation of the Patient
 - ☐ by exercising parental rights – young people of 13 years and above can apply in their own right or should give consent to parental request. Parents can apply for information on their children and young people under 13.
 - ☐ by Lasting Power of Attorney – Personal Welfare, naming both the Attorney(s) and the Patient
 - ☐ by court appointment e.g Deputy under the Mental Capacity Act
 - ☐ a deceased patient’s personal representative, usually the executor of the estate or the next of kin
 - ☐ someone with a claim arising from the death of the patient

Before records are released we will seek the advice of the consultant in charge of the patient care to ensure that no information about an individual’s physical or mental health or condition will be released if it would be likely to cause harm to them or another person’s physical or mental health condition. We will also withhold information provided by third parties where we don’t have consent to release it or where the patient has made it clear that they did not want the information disclosed.

For Radiology images – X-rays, CT, MRI etc – we have introduced a new system called IEP to Anyone. This system uses email to send you a link to your images, and a pin number for secure access. Please provide an active email address for the link, and your mobile number to receive the pin. You will receive the pin via text message once you have clicked the link in the email. If you do not have a mobile phone, please add a second email address so that you can receive the pin number. Please check your email (and spam) regularly for the email. You will have 14 days to download your images. You can also share your images once.

For Staff, Volunteers, Governors, Non-executive Directors and Job Applicants

3. People who can apply for Staff, Volunteer, Job Applicant Information:

- ❖ the staff member, volunteer or job applicant themselves
- ❖ someone acting on behalf of the staff member, volunteer or job applicant
 - ☐ by written authorisation of the staff member, volunteer or job applicant themselves
 - ☐ by court appointment

For Others – Relatives, Carers, Friends or Visitors

4. For people who do not fall into the categories above (this may include relatives, carers, friends or visitors), the Trust may still hold information about you as part of other records. Only the applicant themselves can request this information.

5. Proof of Identity

Please enclose copies of two proofs of ID, one from each category:-

Category One:

- Passport
- Photographic Driving License
- Birth Certificate
- Marriage Certificate
- Lasting Power of Attorney – Personal Welfare
- Deputyship under the Mental Capacity Act
- Staff ID Card

Category Two:

- Utility Bill with current address – gas, electricity, phone, broadband
- Appointment or clinic letter
- Benefit Statement e.g. child benefit, DLA, PIP, Pension
- Bank statement
- Building Society Payment
- Credit Card Statement

Additional information may also be required:

For a parent guardian request for a child, please also provide copies of:

- Birth certificate of the child

- Court order of parental responsibility (if applicable)

For a request regarding a deceased patient a copy of one of the following:

- Last Will & Testament (of the deceased) naming you as the executor
- Solicitor letter granting executor status
- Grant of probate

For a request from any person with a claim arising from the death of a person:

- Evidence of the claim (e.g. a solicitor's letter)

6. The **fees** for access to records and provision of records are as follows:

For **Patients / deceased patients** **free**

For **Staff, Volunteers and Job Applicants** **free**

For **others (requests falling outside the above)** **free**

UNLESS the request is
manifestly unfounded, excessive or repetitive

In which case the Trust can either

- charge fees as follows:-
10p per side plus post and packaging

Or

- Refuse the request

We will write to let you know if either is the case and will try to work with you to reduce fees/scope of the request so that we can provide information.

7. You can ask for corrections to the record. The Trust will either make the necessary correction or make a note in the relevant part of the record of the matters which you say are inaccurate. You will be provided with a copy of the correction or note free of charge.
8. In line with General Data Protection Regulations / Data Protection Act we aim to provide a copy of the record within one month of receipt of the completed application form and fee (if applicable). Please bear in mind the turnaround time if you have upcoming appointments where the records may be required. It is also not possible to provide copies of records for in-patients as the records are still required on the ward.
9. If you wish to make a complaint on any aspect of the way in which we have handled your request for access to your information, you can write to the Chief Executive. Please see below for details.
10. Confidentiality – Everyone has the right to have their information kept confidential and record holders are obliged to be satisfied that an applicant is who they say

they are, or is otherwise entitled to access of that information. Please provide proofs of your ID as defined above with your application.

11. The information that you provide in the course of making an application will only be used for the purposes of processing the application. We retain the application in accordance with the Records Management Code of Practice for Health and Social Care 2016. This is currently 3 years following close of the request or 6 years where there has been a subsequent appeal. At the end of the period it will be destroyed in a secure and confidential manner.

Please send completed application form / letter of request to:

- **Patient Records:** Health Records Access Supervisor
- **Radiology Images** (X-Ray, CT, MRI etc): Radiology Access Manager
- **Wolverton Centre / Assisted Conception Unit / Fertility:** Wolverton Centre Managers
- **Staff / Volunteers / Governors / Non-executive Directors/ Job Applicants:** Director of People
- **Legal Claims** – Claims Manager
- **Others:** Ms Janice Sorrell, Head of Information Governance / Data Protection Officer

Complaints / Appeals: Mr Jo Farrar, Chief Executive Officer

All at:

Kingston Hospital NHS Foundation Trust
Galsworthy Road
Kingston Upon Thames
Surrey KT2 7QB

Should you remain unhappy after a complaint or appeal to the Chief Executive, you can apply to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Office Use Only:

Date Received:

Due Date:

Ref No:

Date Closed:

Application For Access To Health Records

General Data Protection Regulations 2016 / Access To Health Records Act 1990

Please complete the application form in BLOCK CAPITALS and BLACK INK.

The person whose record is requested – the Data Subject

NHS Number Hospital Number

Surname

Forename(s)

Date of Birth

Address

Post Code

Telephone Number

For IEP – Radiology Images

Email Address

Mobile Phone No / 2nd email

Applicant Details *(if different from above)*

Surname

Forename(s)

Date of Birth

Address

Post Code

Telephone Number

Relationship to the Subject

Please give details below of the information you are seeking.

.....
.....
.....

For **Patients Records** Please tick one option only

- Provision of a **copy of the paper/ electronic health records** only
- Provision of a **copy of x-rays MRI CT** only

- Provision of a **copy of the health records and x-rays MRI CT**
- For **Others (requests falling outside the above)**

Declaration By Applicant ...I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access the information referred to under the terms of the General Data Protection Regulations 2016 / Data Protection Act 2018 / Access to Health Records Act 1990.

Please tick as appropriate

- I am the patient, and I enclose two proofs of identity
- I have been asked by the patient to act as their representative and they have signed below to confirm this. I enclose two proofs of identity from myself and the patient
- I am acting on behalf of a child under the age of 16
I enclose a copy of the child's birth certificate / court order of parental responsibility (if applicable)
- I have a lasting Power of Attorney (Health and Welfare) and attach a copy
- I am a Deputy under the Mental Capacity Act for Health and Welfare and attach a copy
- I am the deceased person's Personal Representative / Executor and attach a copy of their Will / Solicitor's letter / Grant of Probate
- I have a claim arising from the patient's death and wish to access information relevant to my claim the details of which are as follows (solicitor's letter attached)

.....

Signature.....

Signature.....

Patient

Applicant

Office Use Only:
 Date Received:
 Due Date:

Ref No:
 Date Closed:



Application For Access To Staff Records

General Data Protection Regulations 2016

Please complete the application form in BLOCK CAPITALS and BLACK INK.

The person whose record is requested – the Data Subject

Staff Number

Surname

Forename(s)

Date of Birth

Address

Post Code

Telephone Number

Applicant Details *(if different from above)*

Surname

Forename(s)

Date of Birth

Address

Post Code

Telephone Number

Relationship to the Subject

For **Staff, Volunteers, Governors, Non-executive Directors and Job Applicants**

- Manager held personnel file
- Workforce held personnel file
- PDR files
- Sickness records
- Absence records
- Training records
- Occupational Health records
- Job application
- References
- Pay roll

Other Information – please state below

.....

.....

.....

.....

Declaration By Applicant ...I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access the information referred to under the terms of the General Data Protection Regulations 2016

Please tick as appropriate

- I am the applicant and
 - I will attend the Workforce department with my Staff ID badge to collect the information
 - I enclose two proofs of identity
- I have been asked by the data subject to act as their representative and they have signed below to confirm this. I enclose two proofs of identity from myself and the data subject

Signature.....
Applicant

Signature.....
Representative