

Privacy notice

How we use your personal information

General data protection regulation - General data protection regulation - General data protection regulation

What is a Privacy Notice?

A Privacy Notice describes how organisations use personal information. Personal information is information that identifies you as an individual. This leaflet answers key questions about how the Trust uses (processes) your personal information. Data protection laws control the use of personal information of living individuals.

Key Information

Tees Esk and Wear Valleys NHS Foundation Trust is a Controller under data protection law. The Trust is registered as a Controller with the Information Commissioner's Office (Registration Number Z1387135).

Data Protection Officer: Louise Eastham, Head of Information Governance, Information Governance Department, Tarncroft, Lanchester Road Hospital, Lanchester Road, Durham, DH1 5RD.

Purpose of processing: we collect basic information about associated people so we can contact an individual in case of an emergency with a service user. We collect information about carers so we can support carers to help service users. You may wish to view the [Privacy Notice](#) for service users so you can understand what information we collect about them.

Lawful basis for processing: the performance of a task carried out in the public interest or in the exercise of official authority.

Retention of information: we hold adult service user records for 20 years after last contact. We hold children and young people's records until their 25th or 26th birthday.

Overseas transfers: data is not routinely transferred outside of the UK.

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<p>Data Protection Officer contact details</p> <p>Organisations that use personal information are known as Controllers. Tees, Esk and Wear Valleys NHS Foundation Trust is a Controller. Organisations that are controllers have a Data Protection Officer. The Data Protection Officer has expert knowledge and they make sure that personal information is used according to the law. The Data Protection Officer for Tees, Esk and Wear Valleys NHS Foundation Trust is:</p> <p>Louise Eastham Head of Information Governance Information Governance Department Tees, Esk and Wear Valleys NHS Foundation Trust Tarncroft Lanchester Road Hospital Lanchester Road Durham DH1 5RD Telephone: 0191 333 6637</p> <p>Email: TEAWVNT.AccessRequests@nhs.net</p>	<p>Further information about TEWV can be found at the Trust's website: www.tewv.nhs.uk</p> <p>The Data Protection Officer is the point of contact between the Controller and the Information Commissioner's Office (ICO) – www.ico.org.uk. The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.</p>
<p>Why do you hold and record information about me?</p> <p>The Health and Social Care Act 2012 and the Care Act 2014 are the laws that tell us we have to keep records about the care and treatment service users receive.</p> <p><i>Associated People</i> A service user record will hold basic information about associated people. An associated person is someone who we will contact in an emergency. If you are listed as an associated person it is because a service user has provided your name and contact details.</p> <p><i>Carers</i> If you are a carer for a service user we will hold information about you so we can help you to support and care for the service user.</p>	<p>TEWV is a 'public authority' (an NHS Trust) and we have to use personal information to carry out our public authority duties. We deliver care and treatment to help people recover or live with a mental health condition.</p>
<p>What information do you record about me?</p> <p><i>Associated people</i> We record basic information about you which will include:</p> <ul style="list-style-type: none"> • Name • Gender • Address • Contact telephone number 	

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<ul style="list-style-type: none"> • Relationship to service user <p>We hold this information so we can contact you if the need arises.</p> <p><i>Carers</i> We will hold basic information about you such as: Name Address Contact details</p> <p>We may also hold a carer's support plan or a carer's assessment. These documents will be held in the service user's record.</p> <p>We may also hold information about you that will help us provide you with information if you have a disability or sensory loss. For example, if patient A has a visual impairment and their carer has a hearing impairment then services / organisations have a legal duty to ensure that the individual can receive information and communicate with the service in a way that supports their needs. The standard that supports this is called the Accessible Information Standard.</p> <p>Accessible Information Standard If you are a carer and you have a disability or sensory loss and require information that you can access and understand then this information will be collected around the time of the service user's initial assessment. This might include getting information in large print, easy read or other alternative ways.</p>	
<p>Who do you share my information with? If you are a carer there will be limited occasions where we share your personal information. For example, we may share your information with:</p> <ul style="list-style-type: none"> • Partner organisations such as Carers Together and local authority social care as part of routine referrals; • Teams within TEWV Trust and GP surgeries for urgent sharing with regard to carer risk/wellbeing. <p>If you object to information sharing with specific individuals or organisations please discuss this with the clinician providing care to the service user. If you do object we will have to consider</p>	<p>The HSCIC Guide to Confidentiality in Health and Social Care explains the various laws and rules about the use and sharing of confidential information. It is available from the NHS Digital website:</p> <p>https://digital.nhs.uk</p>

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<p>the risks of not sharing. If the risks outweigh the benefit of sharing we will over-rule your right to object but we will explain this to you.</p> <p>Will you transfer my personal information overseas?</p> <p>We do not routinely transfer personal information to countries outside of the EU. This is checked yearly through a process called information mapping. If we need to transfer your personal information to a country overseas we will make sure your information is safely protected. If we do transfer your personal information outside of the EU we will tell you about this.</p>	
<p>How long will you keep my personal information?</p> <p>Organisations must not retain (keep) personal information for longer than is necessary. All records have a minimum retention time. Different types of records have different retention times. For example:</p> <ul style="list-style-type: none"> • Mental health records are kept for 8 years after death; • Adult mental health records are kept for 20 years after last contact; • Records for service users with a learning disability are kept for the lifetime of the individual; • Children’s records are kept until their 25th or 26th birthday depending on their age at conclusion of treatment <p>If information about you is held in any of the records listed above, the information about you will be kept for as long as the record is kept.</p>	<p>NHS records retention times are published on NHS Digital’s website.</p> <p>Local Authorities set their own retention times although some may apply the NHS records retention times – refer to above NHS retention schedule.</p>
<p>What are my information rights?</p> <p>The law provides you with rights that give you some control over the use of your personal information, as follows:</p> <p>Right to information</p> <p>You have the right to ask if your personal information is being processed by Tees, Esk and Wear Valleys NHS Foundation Trust or another organisation that works alongside us (a third party processor). Please write to the Data Protection Officer to request this information. You may request a copy of the information and find out why your personal information is being used.</p> <p>Right of access</p>	

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You have the right to see or be given a copy of your personal information. To do this you will need to make a Subject Access Request (SAR). Send your request to the Data Protection Officer. We will aim to respond to your request within one month days from the receipt of your request. If your health or care history is long and complex we may take longer to provide you with the information. If this is the case will let you know once we have assessed your request. There is no charge for accessing your personal information.

Right to rectification

You have the right to have inaccurate information corrected. This also includes making sure that incomplete information is added to, to make it complete. If you wish to have incorrect or incomplete information corrected, contact the Data Protection Officer.

Right to be forgotten (right to erasure)

The law states that you can request that information is erased. There are only specific circumstances where this will apply.

Right to restriction of processing

This allows you to stop us from carrying out specific processing of your personal data. We can store your personal data but we may not process it unless you give us permission. Contact the Data Protection Officer if you wish to restrict processing of your personal information.

Right to notification

We have a duty to let you know (if you ask us) if we correct, erase or restrict the processing of your personal information. We must also tell any recipients (third parties) with whom we have shared your personal information about any of these activities.

Right to data portability

You can request copies of your personal information in a useful electronic format. This ensures that electronic transfer to another data controller may take place without difficulty. The right to data portability only applies in specific circumstances. It applies when:

- TEWV is using consent to process personal information
- TEWV is processing personal information for the performance of a contract
- TEWV is carrying out the processing by automated means (ie, excluding paper files)

The Information Commissioner's website offers more information about Subject Access Requests – <https://ico.org.uk>

If you want to access more *general* information about the organisation you may wish to submit a request for information under the Freedom of Information Act. Please submit your request to the Trust's membership team <http://www.tewv.nhs.uk>

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<p>Most of the care that TEWV delivers does not rely on consent or the performance of a contract so it is unlikely you will have an opportunity to use the right of data portability.</p> <p>Right to object You have a right to object at any time to the processing of personal information. If you exercise this right we must stop processing your personal information immediately.</p> <p>Right to appropriate decision making You have the right not to be subject to a decision based solely on automated processing including profiling. We do not currently use automated processing or profiling.</p> <p>Right to withdraw consent You have a right to withdraw any consent (permission) you have given at any time. If you do this we must stop processing your personal information or decide if there are other legal grounds on which we can continue to use your personal information. We do not rely on consent to use personal information for the provision of direct health and social care.</p> <p>If you want to exercise any of your rights please discuss firstly with a clinician then contact the Data Protection Officer.</p> <p>If we rectify, erase or restrict the processing of your personal information we will let you know unless it is impossible or involves disproportionate effort.</p>	<p>The term profiling is described as: <i>any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.</i></p> <p>General Data Protection Regulation, Article 7(3) covers the conditions for consent.</p>
<p>Will my information be used in research?</p> <p>High-quality research evidence underpins all our clinical services and we aim to establish a culture of appreciative enquiry within the Trust to improve the quality and value of care for our own patients, as well as to contribute to the worldwide evidence base for better mental health care.</p> <p>TEWV may use your personal information for its own research work. We may access your personal information to assess if you are eligible for any research studies. We do not need your consent to do this as long as the research is compatible with the purpose for which the data was originally collected. If your information does match our research criteria, we will invite you to take part in the research. You do not have to take part in</p>	

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<p>research if you do not want to and this will not affect your care and treatment. If you do take part, you can withdraw your consent at any time. We will only carry out legitimate research in the public interest.</p>	
<p>How can I make a complaint about the way my personal information has been used? If you are not happy about the way Tees, Esk and Wear Valleys NHS Foundation Trust have used your information you can contact:</p> <p>Patient Advice and Liaison Service (PALS). PALS staff are available Monday to Friday, 9am-4pm and can be contacted by:</p> <p>Freephone: 0800 0520219 Mobile: 07775 518086 Email: tewv.pals@nhs.net</p> <p>PALS can facilitate raising your issue as a formal complaint.</p> <p>Complaints Manager Tees, Esk and Wear Valleys NHS Foundation Trust Flatts Lane Centre Normanby Middlesbrough TS6 0SZ Telephone: 01642 451638 Email: tewv.complaints@nhs.net</p> <p>You can get help with how to make a complaint from the Patient Advice and Liaison Service (PALS). PALS staff are available Monday to Friday, 9am - 4pm and can be contacted by:</p> <p>Freephone: 0800 0520219 Mobile: 07775 518086 Email: tewv.pals@nhs.net</p> <p>If you are not satisfied with the outcome of your complaint you may then take this to the Information Commissioner's Office and the Parliamentary and Health Service Ombudsman.</p>	<p>You can find out more information contained within the Trust's Complaints Policy: http://www.tewv.nhs.uk</p> <p>You have the right to take your complaint to the Information Commissioner's Office:</p> <p>Wycliffe House Water Lane WILMSLOW Cheshire SK9 5AF</p> <p>You can also telephone their helpline on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.</p> <p>Or email: casework@ico.org.uk</p> <p>You may also want to refer your complaint to the PHSO:</p> <p>Parliamentary and Health Service Ombudsman https://www.ombudsman.org.uk</p> <p>Telephone helpline: 0345 0154033</p> <p>Send a text to their 'call back' service: 07624 813 005, with your name and mobile number.</p>
<p>How do you collect my information and how do you store it?</p> <p>The information we collect about you will come directly from you or the service user.</p>	<p>You can find out more about how we manage information by reading our Records Management Policy: http://www.tewv.nhs.uk</p>

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<p>Do I have to give you my personal information? We need your personal information so we can contact someone in an emergency and so we can give you support if you are a carer. We will only collect the information that is necessary.</p>	
<p>Is my personal information used in profiling or automated decision making? Your personal information is not used in automated decision making or profiling (refer to the <i>Right to appropriate decision making</i> section above). We will update you if this changes.</p>	
<p>How do you make sure my personal information is safe and secure? We provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or do not look after your personal information properly.</p> <p>We use passwords for access to computer systems and when we need to transfer personal information electronically it is encrypted (translated into a special code to protect it from being seen by anyone not authorised to do so).</p> <p>When we need to transfer paper records we have a system in place called 'tracking and tracing' to record their movement from one location to another.</p>	<p>NHS Digital's Encryption Good Practice Guide, https://digital.nhs.uk and Tees, Esk and Wear Valleys NHS Foundation Trust's Information Security and Risk Policy provide more information about how your information is kept safe and secure. If you want a copy of this TEWV policy you will have to request this: http://www.tewv.nhs.uk</p> <p>The National Data Guardian: Review of consent and opt-outs can be found at the Government's website: https://www.gov.uk</p> <p>This lists 10 new data security standards. These standards are intended to apply to every organisation handling health and social care information, although the way that they apply will vary according to the type and size of organisation.</p>
<p>How do you protect my privacy and confidentiality? We employ a Privacy Officer whose role is to closely monitor access to electronic patient records to ensure that only those who have a justified reason to access records do so.</p>	<p>Tees, Esk and Wear Valleys NHS Foundation Trust's Confidentiality and Sharing Information Policy: http://www.tewv.nhs.uk explains how we protect your privacy and confidentiality.</p>
<p>How will you meet my communication needs? We will aim to provide information to meet the needs of service users and/or parents/carers, where those needs relate to a disability, impairment or sensory loss.</p>	<p>The Accessible Information Standard, https://www.england.nhs.uk sets out a specific, consistent approach to identifying, recording, flagging, sharing and meeting the information and communication support needs of service users, carers and parents with a disability, impairment or</p>

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	sensory loss.
<p>Why do you use CCTV?</p> <p>The Trust uses CCTV for a variety of reasons:</p> <ul style="list-style-type: none"> • Support the Police to prevent or detect crime or disorder; • Assist in the identification, apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings); • Increase personal staff/patient/public safety and reduce fear of crime; • Protect Trust premises and its assets. <p>CCTV is used according to data protection law and its use is governed by a Trust policy and procedure.</p>	<p>The Information Commissioner has published a guide on the use of CCTV: https://ico.org.uk/</p>
<p>Trust Address</p> <p>Tees Esk and Wear Valleys NHS Foundation Trust Trust Headquarters West Park Hospital Edward Pease Way Darlington DL2 2TS</p>	

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