

CRN West Midlands Privacy Notice

The Network is hosted by the Royal Wolverhampton NHS Trust and the Trust is therefore our Data Controller.

The General Data Protection Regulation 2016 (GDPR) is biggest change in data protection law for 20 years. It applies from 25 May 2018 and will allow greater transparency and control over the way in which your personal data is used. Personal information can be anything that can be used to identify you. This notice is a statement by the Network to detail the ways in which we use, disclose, and manage your information. It fulfills a legal requirement to inform you about what happens with your personal information and what rights you have in relation to such data.

We have taken advice from our host organisation, and we have reviewed how we collect, store and process individuals' data.

As we are commissioned by the Department of Health to carry out our task in the public interest of improving health, if you have received our Newsletter or other communications from the network in the past, you will continue to receive our communications. However, if you would prefer to unsubscribe from future updates, news and event information, you can do so at any time.

To achieve our High Level Objectives as set by the National Institute for Health Research, we bring together collaborations between education, training, research, healthcare providers, patients, carers and others in order to deliver the intended outcomes. As you have engaged with the Network, we hold some of your personal data in order to be able to include you in such work. Our communications to you are therefore a part of achieving our objectives and we endeavour to be honest and transparent in how we do this.

Please note that this Notice refers to information held by the Network about our employees and partners. For information held about patients taking part in clinical trials, please refer to the Privacy Notice of the NHS Trust/GP Surgery/Care Home/Pharmacy/Hospice or other organisation where the patient was recruited.

What information do we collect about you?

Information we collect about you may include:

- Name
- Title
- job title
- email address
- telephone numbers
- postal address of your employer

Why do we collect information about you?

To help in facilitating and promoting the work of the Network and its Partners:

Delivering research to make patients, and the NHS, better

- Accurate up to date information helps us provide the right information and support

To help the NHS:

- Prepare statistics on NHS performance
- Audit NHS services
- Monitor how we spend public money
- Plan and manage the health service
- Teach and train healthcare professionals
- Conduct health research and development

How do we use this and what is the legal basis?

As a data controller the Trust must establish and publish the lawful basis that is relied on for processing personal data and data that is special categories (sensitive data). The following table indicates for the main processing legal basis that the Trust is relying on for processing activities.

Generally most of the processing we carry out is covered by the following legal provisions;

- For the performance of a task carried out in the public interest or in the exercise of official authority, to deliver you a health care service
- For medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems

The table details other reasons we may process and the reasons under the law that support this.

Type of processing	GDPR Article 6 Condition for personal data	GDPR Article 9 Condition for special categories (sensitive data)	Statutory basis or other relevant conditions
<p>Lawful basis for direct care and administrative purposes</p> <p>All health and adult social care providers are subject to the statutory duty to share information about a patient for their direct care. This would also include</p> <p>(a) preventive or occupational medicine,</p> <p>(b) the assessment of the working capacity of an employee,</p> <p>(c) medical diagnosis,</p> <p>(d) the provision of</p>	6(1)(e) ‘...for the performance of a task carried out in the public interest or in the exercise of official authority...’	<p>9(2)(h) ‘...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...’</p> <p>6(1)(d) is available in life or death situations but should not be necessary for health or social care organisations to use in the performance of its tasks. This might apply in a situation where an organisation needs to act to prevent harm being caused by a patient or service user, to someone who has no relationship with the organisation.</p>	<p>NHS Trusts National Health Service and Community Care Act 1990</p> <p>NHS England’s powers to commission health services under the NHS Act 2006 or to delegate such powers</p> <p>251B of the Health and Social Care Act 2012</p>

<p>health care or treatment,</p> <p>(e) the provision of social care, or</p> <p>(f) the management of health care systems or services</p> <p>(g) waiting list management</p> <p>(h) performance against national targets</p> <p>(i) activity monitoring</p> <p>(j) local clinical audit</p>			
<p>Lawful basis for commissioning and planning purposes</p> <p>Most national and local flows of personal data in support of commissioning are established as collections by NHS Digital either centrally, or for local flows by its Data Services for Commissioners Regional Offices (DSCRO).</p>	<p>Where the collection or provision of data is a legal requirement, for example where NHS Digital is directed to collect specified data, and can require specified organisations to provide it,</p> <p>6(1)(c) ‘...for compliance with a legal obligation...’</p>	<p>9(2)(h) ‘...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...’</p>	<p>Commissioners may receive personal data in support of commissioning where confidentiality is set aside by provisions under the Control of Patient Information Regulations 2002, commonly known as ‘section 251 support’. This support does not remove the need for GDPR compliance.</p> <p>The commissioning of individually tailored services, or for example the approval of individual funding requests should operate on the basis of consent for confidentiality purposes.</p>
<p>Lawful basis for research</p>	<p>6(1)(f) ‘...legitimate interests...except where such interests are overridden by the</p>	<p>9(2)(j) ‘...scientific or historical research purposes or statistical purposes in</p>	<p>A pre-condition of applying Article 9(2)(j) is that the processing has a</p>

	interests or fundamental rights and freedoms of the data subject...'	accordance with Article 89(1) based on Union or member State law which shall be proportionate...and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject ...'	basis in UK (or EU) law. This basis will include compliance with the common law duty of confidence, the provisions of DPA18 that relate to research, statistical purposes etc. and other relevant legislation, for example section 251 support.
<p>Lawful basis for regulatory and public health functions</p> <p>Processing that is necessary for reasons of public interest in the area of public health, and is carried out (i) by or under the responsibility of a health professional, or (ii) by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law.</p>	6(1)(c) '...necessary for compliance with a legal obligation...	9(2)(j) ' ...necessary for reasons of public interest in the area of public health...or ensuring high standards of quality and safety of health care and of medicinal products or medical devices...	Health Protection (Notification) Regulations 2010 Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008
<p>Lawful basis for safeguarding</p>	6(1)(e) '...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 ...social protection law in so far as it is authorised by Union or Member State law..'	Children Acts 1989 and 2004, and the Care Act 2014
<p>Lawful basis for employment purposes</p>	6(1)(b) 'For the performance of a contract to which the 'individual' is a party' Or	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	Safeguarding Vulnerable Groups Act 2006/9 as a basis for Disclosure and Barring Service (DBS) checks and other processing of

	6(1)(e) ‘...for the performance of a task carried out in the public interest or in the exercise of official authority...’	subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law..’	such data
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Who do we share your information with?

We do not share your information with anyone outside the Network without your consent.

If you do not wish personal data that we hold about you to be used in the way that is described in this notice, please discuss the matter with us. You have the right to object in certain circumstances, such as where you have given consent to the processing or have entered into a contract you have given consent, but this may affect our ability to provide you with care or advice.

Who and where do we obtain your information from?

The Trust will collect data about you in a numbers of ways. The main method of collection is from you directly.

Face to face:

Most of the information we hold about you will be collected from you at the time you engage with the Network. Any data provided will be used for the reasons listed in this notice and will only relevant data will be requested and recorded.

Telephone calls:

Information you disclose over a telephone call may be recorded by the Network. Ordinarily we will inform you if we record or monitor any telephone calls you make to us. This is to increase your security, for our record keeping of the phone call and for training and quality purposes.

Emails:

If you email us we may keep a record of your contact and your email address for our record keeping.

What rights do I have in relation to my information?

Below is a list of the rights you have in relation to your data and when they apply. To make an application for any of the below rights please contact the Data Protection team [rwht-dataprotectionteam@nhs.net](mailto:rwht.dataprotectionteam@nhs.net) in the first instance. All rights should be considered within 30 calendar days from date of receipt, but may be extended if complex.

The Right of Access

You have the right to request a copy of any information held by the Network as well as any supplementary information. Email crnwestmidlands@nih.ac.uk

Right to Rectification

If you believe your information may be inaccurate or incomplete you can make a request to have your information reviewed.

The Right to Erasure

The right to erasure is also known as the ‘right to be forgotten’ introduces a right for you to have personal data erased.



The Right to Restrict Processing

The right to restriction allows you to request the restriction or suppression your personal data. This right is closely linked with the right to rectify and the right to object and will only apply if:



- you contest the accuracy of your personal data and the accuracy is being verified by the trust;
- the data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR) and you oppose erasure and requests restriction instead;
- the personal data is no longer needed but we need to keep it in order to establish, exercise or defend a legal claim.

The Right to Data Portability

The right to data portability allows you to obtain and reuse your personal data across different services. The process should allow for moving, copying or transfer of personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The right to data portability is not an absolute right and generally will not apply to your health care record unless:



- The processing is based on the your consent or it in the performance of a contract;
- When processing is carried out by automated mean

The Right to Object

The right to object to processing means that data should cease to be processed. This right applies only where data is obtained with your consent. In most cases we rely on our legal basis to process your data and not consent and therefore for care purposes this right may not apply. If your data is used for any other reason this right may apply, but would have to be assessed on an individual basis.



How do I request my information?

You have a right to see or have copies of any information held by the Network that relates to you free of charge. We have the right to charge an administration fee in situations where repeated requests are received for the same information or the request is excessive. You will be required to prove your identity when making requests. .

Email: crnwestmidlands@nhr.ac.uk

How long is my information kept for?

All our records are destroyed in accordance with the NHS Retention Schedule, which sets out the appropriate length of time each type of NHS records is retained. We do not keep your records for longer than necessary.

All records are destroyed confidentially once their retention period has been met, and the Trust has made the decision that the records are no longer required. For more information please see the [Record Management Code for Practice for Health and Social Care 2016, retention schedules.](#)

How to make a complaint

Data Protection Officer (DPO): Raz Edwards

Email: rwh-tr.IG-Enquiries@nhs.net

Address: New Cross Hospital, Wolverhampton Road, Heath Town, Wolverhampton WV10 0QP

The Data Protection Officer is a point of contact for advice and guidance in relation to your rights. The DPO is responsible for monitoring the Trusts compliance with the Data Protection Act

2018 and the General Data Protection Regulations (GDPR) 2016 as any policies the Trust has in relation to the protection of personal data. The DPO shall perform their duties in an independent manner with due regard to the risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.

If you have any concerns about how your information is being processed or any of the rights as detailed above, please contact the Trust in the first instance through:

Data Protection Team
Health Records Library
Location B19
New Cross Hospital
Wednesfield Road
Wolverhampton
WV10 0QP

Email: rwh-tr.dataprotectionteam@nhs.net

Telephone: 01902 307999 Extension 5544

You also have a right to complain directly to the Information Commissioner's Office if you feel the Trust has not responded effectively to any of the above.

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Telephone: 0303 123 1113

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