

Privacy Notice – Direct Care, (routine care and referrals)

The Kent and Medway NHS and Social Care Partnership Trust keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to and from specialists and other healthcare providers, tests carried out both here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this organisation who are appropriately involved in your health care.

When registering for NHS care within KMPT, all patients who receive care are registered on a organisational database, which is held by KMPT and hosted by The Access Group, a third party company which has legal responsibilities to protect your information.

We work as a partnership organisation for mental health services and may need to share some clinical information with other groups of professionals involved in the provision of care. Please be reassured, we will only use or pass on information where there is a genuine need for it. Your treatment and care may involve a team, which includes doctors, nurses, therapists, some administrative staff and other health and social care professionals, including your GP. Information about you may be shared to assist those who have an interest in your care or treatment. Your information will only be passed on to those who have a need-to-know and be shared in a secure manner

People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance admin staff will normally only have a limited access to your information, whilst your clinical treating team will be able to access the full record. All access to your information is logged within the system and is auditable.

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

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1. Data Controller contact details	Kent and Medway NHS and Social Care Partnership Trust Head Office, Farm Villa, Hermitage Lane, Maidstone, Kent, ME16 9PH
2. Data Protection Officer contact details	Leanne McDougall Head of Information Governance, St Michaels House, St Michaels Road, Sittingbourne, Kent, ME10 3DW
3. Purpose of Processing	We need to collect and record information about you in order to provide the right kind of services to meet your needs. Appropriate collection and sharing of information is an essential part of the provision of your safe and effective care. You could be put at risk if we do not have access to relevant, accurate and up to date information about you.
4. Lawful basis for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this organisation and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <ul style="list-style-type: none"> • <i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i> • <i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5. Recipient or categories of recipients of the processed data	The data will be shared with Health and Social Care professionals and support staff in this organisation, your GP practice and at hospitals, diagnostic and treatment centres who contribute to your personal care. This will include social care staff working within local authorities. We will also share information with other mental health care providers where you move to a new area, or transition between care groups, such as from child services to adult services.
6. Rights to object	You have the right to object to some or all the information being processed under GDPR Article 21. Please contact the Data Controller or Data Protection Officer. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance, and the organisation will need to consider what is in the best interests of your care and treatment.
7. Right to access and correction	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.

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8. Retention Period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016
9. Right to Complain	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)