

Privacy Notice – Ombudsman

The Parliamentary Health Service Ombudsman (PHSO) and Local Government Ombudsman (LGO) are authorities which have been set up by parliament to provide independent complaint handling services for complaints which can not be locally resolved by the NHS and local authority with England and UK Government departments.

As part of complaint and concern resolutions it may be necessary for information relating to health care and employment to be shared with the investigating team. This is to ensure a thorough and comprehensive investigation can be undertaken and members of the public are supported.

The PHSO and LGO have legal powers under the parliamentary commissioner Act 1967 and Health Service Commissioners Act 1993 to obtain relevant information to assist in their investigations. They therefore do not require your consent to share relevant information.

You have a right to object to the processing of your information for these purposes however, your rights may be limited.

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 | To enable ombudsman authorities to complete comprehensive and thorough investigations into concerns raised about health and social care. |
| 4. Lawful basis for processing | The processing of personal data in the assistance of investigations and complaints is supported under the following Article 6 and 9 conditions of the GDPR: <ul style="list-style-type: none"> • <i>Article 6(1)(c) ‘Processing is necessary for compliance with a legal obligation to which the data controller is subject’</i> • <i>Article 9(2)(d) ‘processing is carried out in the course of its legitimate activities with appropriate safeguards’</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 investigations teams in order to enable comprehensive review of concerns. |
| 6. Rights to object | You have the right to object to you information being shared with third parties. You can also remove your consent at anytime. |
| 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. |
| 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) |