

Adult friendly privacy policy

*Your information – what does it mean?*

If you are a user with general public and anonymous access the EPUT website does not store or capture personal information but merely logs the user’s IP address that is automatically recognised by the web server. We do not use cookies for collecting user information and we will not collect any information about you except that required for system administration of our web server.

This privacy statement only covers the EPUT website at [http://eput.nhs.uk]. This statement does not cover links within this site to other websites.

**Terms and conditions**

Welcome to our website. If you continue to browse and use this website you are agreeing to comply with and be bound by the following terms and conditions of use, which together with our privacy policy govern EPUT’s relationship with you about this website.

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You may not create a link to this website from another website or document without EPUT’s prior consent. Your use of this website and any dispute arising out of such use of the website is subject to the laws of England, Scotland, and Wales.

**Fair Processing Notice**

Essex Partnership University NHS Foundation Trust (the Trust) processes information about you to provide health care services, and in doing so has to comply with the requirements of the General Data Protection Regulation (GDPR). This means that data held about you must only be used for specific purposes as defined by law. This Fair Processing Notice has been created to inform you about the types of information held about you, why that information is held about you, and to whom that information may be shared.

**Who we are and what we do**

Essex Partnership University NHS Foundation Trust (EPUT)

Address:

The Lodge

Lodge Approach

Wickford

SS11 7XX

**FREEPHONE:** 0800 085 7935

Essex Partnership University NHS Foundation Trust (EPUT provides community health, mental health and learning disability services to support more than 3.2 million people living across Bedfordshire, Essex and Suffolk.

We are a large employer in the East of England with more than 5,400 staff working across more than 200 sites. We also provide services in people’s homes and community settings.

If you have any questions regarding your information and how it is used, please contact the below department and we will do our best to help:

**Data Protection Officer (DPO)**

epunft.dpo@nhs.net

Information Commissioners Officer registration number: ZA242481

If your issues cannot be resolved by the DPO regarding your query, and you are still not happy with our response, please see the Trust Complaints department details below and the ICO details (Information Commissioners Office)

**Trust Complaints Department**

01268 407817 / 01268 739717

epunft.complaints@nhs.net

**Information Commissioners Office (ICO)**

Call our helpline on 0303 123 1113 (local rate – calls to this number cost the same as calls to 01 or 02 numbers).

ICO website: [Information Commissioner's Office (ICO)](https://ico.org.uk/), https://ico.org.uk/

**Our Lawful Reasons for Using Your Data**

The below lawful reasons have been identified under GDPR these enable the Trust to process personal data without the requirement to seek consent from the data subject.

**Direct Care**

All health and adult social care providers are subject to the statutory duty under Section 251B of the Health and Social Care Act 2012 to share personal data about a patient for their direct care under 6 (1) (e) and 9 (2) (h). In addition, 9 (3) applies when sharing information for direct care with third-party or voluntary sector organisations.

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| 6 (1) (e) | Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (h) | Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional. |
| 9 (3) | Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies. |

**Safeguarding**

The Children’s Act 1989 establishes implied powers for local authorities to share personal data to safeguard children and it allows local authorities to request help from NHS Foundation Trusts to safeguard and promote the welfare of children within their area who are in need.

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. Local authorities must make enquiries where an adult is experiencing or is at risk of experiencing abuse or neglect and has to collaborate with partners generally and in specific cases.

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| 6 (1) (e) | Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (b) | Processing is necessary for the purpose of carrying out the obligations and exercising the specific rights of the controller or the data subject in the field of social protection law in so far as it is authorised by Union or Member State law. |

**Commissioning and Planning Purposes**

Most national and local flows of personal data in support of commissioning are established by NHS Digital either centrally, or for local flows by its Data Services for Commissioners Regional Offices (DSCRO).

These flows do not operate based on consent for confidentiality or data protection purposes. Where the collection or provision of personal data is a legal requirement, GDPR still needs to be complied with.

The appropriate lawful reasons for providers of the personal data is 6 (1) (e) and 9 (2) (h) under Section 251B of the Health and Social Care Act 2012. When the processing is not supported under Section 251B of the Health and Social Care Act 2012 the lawful reasons are 6 (1) (c) and 9 (2) (h).

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| 6 (1) (c) | Processing is necessary for compliance with a legal obligation. |
| 6 (1) (e) | Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (h) | Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional. |

**Research**

For research purposes, the common law duty of confidentiality must still be met through consent. This requirement has not changed under the GDPR. Consent is still needed for people outside the care team to access and use service user personal data for research unless you have Section 251B of the Health and Social Care Act 2012 support.

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| 6 (1) (e) | Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (j) | Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89 (1). |

**Regulatory and Public Health Functions**

For performing regulatory and public health functions the below lawful reasons are both required. This function would also include processing contracts that the Trust has entered into.

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| 6 (1) (c) | Processing is necessary for compliance with a legal obligation. |
| 9 (2) (i) | Processing is 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. |

**Employment Purposes (staff, volunteers and participants)**

For employment purposes the below lawful reasons for lawful processing will apply this includes special categories of data such as health data for employment purposes.

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| 6 (1) (e) | All: Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (b) | Staff and Volunteers: Processing is necessary for the purpose of carrying out the obligations and exercising the specific rights of the controller or the data subject in the field of social protection law in so far as it is authorised by Union or Member State law. |
| 9 (2) (i) | Participants: processing is necessary for reasons of public interest in the area of public health, such as ensuring high standards of quality and safety of health care. |

Personal data processed concerning the Disclosure and Barring Service (DBS checks) falls under the GDPR (Article 10) and the provision of Safeguarding Vulnerable Groups Act 2006.

**Foundation Trust Governors and Members**

NHS Act 2006 sets out the legal requirements of an NHS Foundation Trust.

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| 6 (1) (c) | Processing is necessary for compliance with a legal obligation to which the controller is subject |
| 6 (1) (e) | Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. |
| 9 (2) (g) | Processing is necessary for reasons of substantial public interest. |

**Why do we collect information about you?**

Your clinical care team and other health and care professionals caring for you keep records about your health and any treatment and care you receive from the NHS. These help ensure that you receive the best possible care from us. They may be written down (manual records) or held on a computer. The records may include:

* Basic personal information about you, such as,
	+ name
	+ address
	+ date of birth
	+ contact details (telephone numbers/email address),
	+ NHS number
	+ next of kin details
* Contacts we have had with you, such as day care clinics and/or home visits
* ”Special categories” of information about you, such as,
	+ Notes and reports about your health and any treatment and care you need
	+ Details and records about the treatment and care you receive
	+ Relevant information from other health and social care professionals, local authorities, voluntary organisations, relatives or those who care for you and know you well
* Other types of information used/processed by the Trust:
* Anonymised information/data, which is data about you, but you cannot be personally identified
* De-identified information/data (Pseudonymised), which is data about you, but you cannot be personally identified only your care pathway to help improve the services we provide
* We record CCTV images of people entering, approaching, or passing our buildings (there will be clear signs to advise you that CCTV is in operation) to;
	+ - Help staff and visitors feel safer
		- Act as a deterrent to offenders
		- Allow the collection of evidence to help find and convict offenders
		- Prevent, detect, investigate, and prosecute fraud
	+ Body Worn Video (BWV) footage is used by our Mental Health staff within our wards to reduce the potential escalation of incidents to protect patients and staff. This will allow the collection of evidence to help find and convict offenders, complaints, lessons learnt and inquests. The BWV will only be activated if the staff feel there is a safety risk. Should the BWV be activated, you will be advised by the staff.
	+ Realwear Headsets - Voice-activated headsets (Realwear) and use of SimplyVideo for real-time clinical assistance. The headset wearer (Clinician) will speak to the patient to make them aware of the headset and what it is to be used for. If a patient does not want the headset used, then they will not use it.
	+ Oxevision is a medical device that captures video footage to monitor the vital signs of patients. Footage can be used (clipped) in response to a patient safety incident or following a change in a patient's vital signs resulting in a system alert. The collection of evidence may be used to help with investigations, complaints, lessons learnt and inquests. The video data is stored on the system for 24 hours before being overwritten. Clipped footage is stored in line with the NHS Records Management Code of Practice.

**How your records are used to help the Trust**

Your information will also be used to help us manage the Trust and protect the health of the public by being used to:

* Review the care we provide to ensure it is of the highest standard and quality
* Ensure our services can meet service user needs in the future
* Investigate service users’ queries, complaints, and legal claims
* Prepare statistics on the Trust’s performance
* Audit Trust accounts and services
* Undertaking heath research and development (you may choose whether to be involved)
* Helping to train and educate healthcare professionals
* Test that current/new patient and clinical systems are working effectively
* Support the Lampard Inquiry which is a public inquiry established under the Inquiries Act 2005, and chaired by Baroness Kate Lampard CBE, to investigate mental health deaths in Essex in accordance with terms of reference which are available at [lampardinquiry.org.uk](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Flampardinquiry.org.uk%2Fabout-the-inquiry%2F&data=05%7C02%7Ctracey.vanwyk%40nhs.net%7C413bfeb7e1934165e08608dc1374cc31%7C37c354b285b047f5b22207b48d774ee3%7C0%7C0%7C638406639562112033%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Upm%2FMzptcV8%2BCtPiVlS8nvfE9b%2Fa0MSzdDCpUtkFE68%3D&reserved=0). The Inquiry continues the work of the former Essex Mental Health Independent Inquiry (EMHII), which the Trust also supported and processed personal data in connection with. The Lampard Inquiry processes personal data provided to it by the Trust and others in accordance with its Privacy Information Notice which is available on its website, at [lampardinquiry.org.uk/privacy/](https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Flampardinquiry.org.uk%2Fprivacy%2F&data=05%7C02%7Ctracey.vanwyk%40nhs.net%7C413bfeb7e1934165e08608dc1374cc31%7C37c354b285b047f5b22207b48d774ee3%7C0%7C0%7C638406639562268292%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ywRUZj13MNK7mQgpAJWjfIjrz1os14hvyXTU5VOCq9U%3D&reserved=0).”

Some of this information is held centrally within the Trust, but where this is used for statistical purposes, stringent measures are taken to ensure that individual service users cannot be identified. Anonymous statistical information may also be passed to organisations with a legitimate interest, including Universities and Research Institutions.

Where it is not possible to use anonymised information, personally identifiable information may be used for essential NHS purposes. They may include research and auditing services.

You have a choice about whether your confidential patient information is used for research and planning.  If you are happy with this use, you do not need to do anything.  If you choose to opt-out, your confidential information will still be used to support your individual care.

To find out more or to register your choice to opt-out, please visit the [Your NHS Data Matters](http://www.nhs.uk/your-nhs-data-matters/) website or call the national helpline on 0300 303 5678.  You can change your mind about your choice at any time.

**How we keep your records confidential and secure**

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

We keep your information safe and secure and comply with industry standards, such as, the Data Security and Protection Toolkit (DSPT).

You may be receiving care from other organisations as well as the NHS e.g. Social Services and the Voluntary Sector. We may need to share some information about you so 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. When we pass on any information, we will ensure it is kept confidential and secure.

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, as defined under Data Protection. Occasions when we must pass on information include:

* Notification of births and deaths
* Where we encounter infectious diseases, which may endanger the safety of others such as meningitis or measles
* Child Protection cases
* Where a formal court order has been issued
* Benefits Agency cases
* National Treatment Agency for Substance Misuse to monitor the availability, capacity, and effectiveness of treatment for drug misuse in England

**Retention periods**

We follow the Trust and the NHS England policies and guidance in regard to the retention periods of data and information that we hold.

NHS Records Management Code of Practice 2023 - [Records Management Code of Practice - NHS Transformation Directorate (england.nhs.uk)](https://transform.england.nhs.uk/information-governance/guidance/records-management-code/)

**Who do we share your information with?**

Everyone working within the NHS has a legal duty to keep information about you confidential and secure. Similarly, anyone who receives information from us has a legal duty to keep it confidential and secure.

We will share information with the following main partner organisations:

* Other NHS Trusts, hospitals that are involved in your care
* Integrated Care Boards (ICBs) and Integrated Care System (ICS) Providers
* Care Quality Commission (or CQC)
* NHS England (NHSE)
* General Practitioners (GPs)
* Ambulance Trusts

You may be receiving care from other service providers as well as the NHS, for example Social Care Services. We may need to share some information about you with them so we can all work together for your benefit if they have a genuine need for it as part of your care or we have your permission. Therefore, we may also share your information with:

* Social Care Services
* Education Services
* Local Authorities
* Voluntary and private sector providers working with the NHS
* Police & Judicial Services in emergency situations
* Fire and Rescue Services in emergency situations
* Lampard Inquiry
* Other ‘Data Processors’ which you will be informed of.

We are supporting the Lampard Inquiry which is in place to investigate deaths that took place in mental health inpatient facilities, or within three months post discharge, across NHS Trusts in Essex between 1 January 2000 to 31 December 2020. You may be written to by the Inquiry in order that they can share information with you regarding the Inquiry and to request your support to share experiences with them. We will endeavour to comply with all the Inquiry’s information requests that meet legal standards and the agreed terms of reference.

The Inquiry has its own Privacy Notice which is available here <https://www.emhii.org.uk/privacy/>

However, a person’s right to confidentiality is not absolute and there may be other circumstances when we must share information from your patient record with other agencies. In these rare circumstances, we are not required to have your consent. Examples of this are:

* If there is a concern that you are putting yourself at risk of serious harm
* If there is concern that you are putting another person at risk of serious harm
* If there is concern that you are putting a child at risk of harm
* If we have been instructed to do so by a Court
* If the information is essential for the investigation of a serious crime
* If you are subject to the Mental Health Act (1983), there are circumstances in which your ‘nearest relative’ must receive information even if you object

If your information falls within a category that needs to be notified for public health or other legal reasons, such as certain infectious diseases

The information from your patient record will only be used for purposes that benefit your care - we would never share it for marketing or insurance purposes.

All Trust servers are based in the UK, however, if we do transfer your personal information outside the UK, we will make sure that it is protected to the same extent as it would be within the UK.

**What are you data protection rights?**

You have a right to have your privacy respected and your data protected. The new law gives you easier access to the personal information we hold about your if you wish to check or change it. It is designed to give you confidence that this information is accurate, up to date and well managed.

Your rights are listed below.

* The right to request access to information we hold about you (<https://eput.nhs.uk/contact-us/your-health-records-information/>).
* The right to be informed about how we collect and process the information we hold about you.
* The right to have your information rectified if the information we hold about you is not correct.
* The right to request erasure of the information we hold about you that falls outside our legal basis.
* The right to restrict processing which gives you an alternative to the erasure of the information we hold about you. This means we can hold the information, but we cannot use it or share it with external organisations.
* The right to object to the use of your information for reasons other than to provide you with care.

**My Care Record**

Essex Partnership NHS University Foundation Trust is part of My Care Record, an approach to improving care by joining up health and care information. Health and care professionals from other services will be able to view information from the records we hold about you when it is needed for your care. Please see <https://mycarerecord.org.uk/> for more information.

**The use of artificial intelligence (AI)**

We may use AI technology to support our clinicians in identifying potential health issues. The AI technology may be used to review the data to identify potential findings and assist the clinician in decision-making and in no way will replace the final decision of a clinician. In addition, we may also use AI technology as part of our system security initiatives. We will also abide by the code of practice regarding the use of digital and data-driven health technologies, please refer to “A Guide to Good Practice for Digital and Data-Driven Health Technologies” - GOV.UK ([www.gov.uk](http://www.gov.uk)), Information Commissioners Office (ICO) guidance - [Artificial intelligence | ICO](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/artificial-intelligence/), NHS England guidance - [NHS England » Artificial intelligence (AI) and machine learning](https://www.england.nhs.uk/long-read/artificial-intelligence-ai-and-machine-learning/).

**Patient Knows Best (PKB) Patient Portal**

Essex Partnership University Trust (EPUT) and Mid and South Essex NHS Foundation Trust (MSEFT) are working together to launch the new patient portal in partnership with our third-party data processor, PKB.

Please see [Patients Know Best | Essex Partnership University NHS Trust (eput.nhs.uk)](https://eput.nhs.uk/patient-carer-and-visitor/patients-know-best/) for more information.