Data Protection Privacy Notice

NHS Forth Valley is a public organisation created in Scotland under section 2 of the National Health Service (Scotland) Act 1978 (the **1978 Act**)**.**It is one of the organisations which form part of NHS Scotland (**NHSS**).

About The Personal Information We Use

We use personal information on different groups of individuals including:

* Patients
* Staff
* Contractors
* Suppliers
* Complainants and enquirers
* Survey respondents
* Professional experts and consultants
* Individuals captured by CCTV and on Body Worn Video Cameras

The personal information we use includes information that identifies you, for example your name, address, date of birth and postcode.

We also use more sensitive types of personal information, including information about:

* **‘Race’** – Ethnic origin, Race
* ‘**Belief’** – Political opinions, Religion, Philosophical beliefs, Trade Union Membership
* ‘**Body’** – Health, Biometric data, Generic data
* **‘Sex’** – Concerning a natural persons sex life, Sexual orientation

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; visual images; details held in the patient record; responses to surveys.

Our Purposes For Using Personal Information

Under the 1978 Act, NHS Forth Valley has the statutory responsibility to provide or arrange for the provision of a range of healthcare, health improvement and health protection services.  We are given these tasks so that we can help to promote the improvement of the physical and mental health of the people of NHS Forth Valley and assist in operating a comprehensive and integrated National Health Service in Scotland.

We use personal information to enable us to provide healthcare services for patients; data matching under the national fraud initiative; research; supporting and managing our employees; maintaining our accounts and records; text and email reminders e.g. for outpatient appointments and the use of CCTV systems (including Body Worn Video Cameras) for crime prevention, safety and surveillance.

Our Legal Basis For Using Personal Information

NHS Forth Valley as data controller is required to have a legal basis when using personal information.  NHS Forth Valley considers that the performance of our tasks and functions are in the public interest.  Therefore when using personal information, our legal basis is that its use is necessary for the performance of a task carried out in the public interest (Article 6(1)(e)) or in the exercise of official authority vested in us.  In some situations we may rely on a different legal basis for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services.  Another example would be for compliance with a legal obligation to which NHS Forth Valley is subject to, for example when complying with Court Orders or under the Public Health etc (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

When we are using more sensitive types of personal information, including health information, our legal basis (Article 9(2)(h)) is usually that the use is necessary for:

* the purposes of preventive or occupational medicine
* 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
* reasons of public interest in the area of public health
* for reasons of substantial public interest for aims that are proportionate and respect people’s rights, for example research
* in order to protect the vital interests of an individual
* the establishment, exercise or defence of legal claims or in the case of a Court Order

COVID19 pandemic – our legal basis for sharing information with e.g. Scottish Government falls under Article 9(2)(i). Further information can be found [here](https://www.gov.scot/coronavirus-covid-19/).

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information.  When we do this we will explain what it means, and the rights that are available, to you.  You should be aware that we will continue to ask for your consent for other things such as taking part in a drug trial, or when you are having an operation.

Who Provides The Personal Information

When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of health and care services in Scotland.  These include other NHS Boards and primary care contractors such as GPs, dentists, pharmacists and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

Sharing Personal Information With Others

Depending on the situation, where necessary we will share appropriate, relevant and proportionate personal information in compliance with the law with the following:

* Our patients and their chosen representatives or carers
* Staff
* Current, past and potential employers
* Healthcare social and welfare organisations
* Suppliers, service providers, legal representatives
* Educators and examining bodies
* Research organisations
* People making an enquiry or complaint
* Financial organisations
* Professional bodies
* Trade Unions
* Business associates
* Police forces
* Court
* Security organisations
* Central and local government
* Voluntary and charitable organisations
* Auditors and audit bodies / Regulators e.g. the Office of the Scottish Information Commissioner when responding to requests under the Freedom of Information legislation, or to the Information Commissioner’s Office (ICO) when responding to Data Protection enquiries

Transferring Personal Information Abroad

It is sometimes necessary to transfer personal health information overseas for example if you require urgent medical treatment abroad.  When this is needed information may be transferred to countries or territories around the world.  Any transfers made will be in full compliance with NHS Scotland Information Security Policy.

Retention Periods Of The Information We Hold

Within NHS Forth Valley we keep personal information as set out in the Scottish Government Records Management Health and Social Care Code of Practice (Scotland) 2020.  The Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records.  As directed by the Scottish Government in the Records Management Code of Practice, each department must maintain a retention schedule detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

How We Protect Personal Information

We take care to ensure your personal information is only accessible to authorised people.  Our staff have a legal and contractual duty to keep personal health information secure, and confidential.  The following security measures are in place to protect personal information:

* all staff undertake mandatory training in Data Protection and IT Security,
* compliance with NHS Scotland Information Security Policy,
* organisational policy and procedures on the safe handling of personal information,
* access controls and audits of electronic systems.

Your Rights

This section contains a description of your data protection rights within NHS Forth Valley.

The Right to be Informed

NHS Forth Valley must explain how we use your personal information.  We use a number of ways to communicate how personal information is used, including:

* this Data Protection Privacy Notice
* information leaflets
* discussions with staff providing your care

The Right of Access

You have the right to access your own personal information.

This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

* confirmation that your personal information is being held or used by us
* access to your personal information
* additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal health information, you can do this by contacting:

The Health Records Legal Administration Team
Health Records Department
Forth Valley Royal Hospital
Stirling Road
Larbert
FK5 4WR

**Email:**fv.healthrecs-legal@nhs.scot
**Phone:** 01324 567977

For all other requests relating to personal information such as requests for CCTV, please contact:

Data Protection Team
Information Governance
Carseview

Castle Business Park

Stirling

FK9 4SW

**Email:**fv.informationgovenance@nhs.scot
**Phone:** 01786 433285 / 433282

Once we have details of your request and you have provided us with enough information for us to locate your personal information, we will respond to your request without delay, within one calendar month.  However If your request is complex we may take longer, by up to two months, to respond.  If this is the case we will tell you and explain the reason for the delay.

The Right to Rectification

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex.  However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request.  Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If, on consideration of your request NHS Forth Valley does not consider the personal information to be inaccurate, then we will add a comment to your record stating your concerns about the information.  If this is the case we will contact you within one month to explain our reasons for this.

If you are unhappy about how NHS Forth Valley has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner’s Office (ICO), or how to take legal action.

Further details about this are also available on their website at [www.ico.org.uk](http://www.ico.org.uk/)

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>.

The Right to Object

When NHS Forth Valley is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted.  Provided NHS Forth Valley can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

Other Rights

There are other rights under current Data Protection legislation however these rights only apply in certain circumstances.  Further information on these rights can be found here:

**The right to erasure**

The right to erasure is also known as “the right to be forgotten” and in general refers to an individual’s right to request the deletion or removal of personal information where there is no compelling reason for NHS Forth Valley to continue using it.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten.

Individuals have the right to have their personal information deleted or removed in the following circumstances:

· When it is no longer necessary for the purpose for which it was collected.

· When NHS Forth Valley no longer have a legal basis for using your personal information, for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we would need to stop using your information and erase it unless we had an overriding reason to continue to use it.

· When you object to NHS Forth Valley using your personal information and there is no overriding legitimate interest for us to continue using it.

· If we have used your personal information unlawfully.

· If there is a legal obligation to erase your personal information for example by court order.

NHS Forth Valley can refuse to deal with your request for erasure when we use your personal information for the following reasons:

· to comply with a legal obligation for the performance of a public interest task or exercise of official authority.

· for public health purposes in the public interest (Article 17 (3)(c) ‘ for reason of public health in accordance with points (h) and (i) of Article 9(2) and 9(3) of the General Data Protection Regulation exempts erasure).

· archiving purposes in the public interest, scientific research historical research or statistical purpose.

· the exercise or defence of legal claims.

When using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us under the NHS Scotland Act as noted previously. This means that in most circumstances we can refuse requests for erasure. Erasure of personal information from a health record would require a court order. However we will advise you of this as soon as possible following receipt of your request.

**The right to restrict processing**

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. When processing is restricted, NHS Forth Valley are permitted to store your personal information, but not further use it until an agreement is reached with you about further processing. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Examples of ways you can restrict our processing would be:

· If you challenge the accuracy of your personal information, stop using it until we check its accuracy.

· If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.

· If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.

· If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.

If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

Whenever we decide to lift a restriction on processing we will tell you.

**The right to data portability**

The right to data portability allows individuals to obtain and re-use their personal information for their own purposes across different services. It allows them to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way. For example: it enables consumers to take advantage or applications and services which can use their information to find them a better deal.

The right to data portability only applies when the individual has submitted their personal information directly, through electronic means to NHS Forth Valley This means that in most circumstances the right to data portability does not apply within NHS Forth Valley

**Rights related to automated decision making and profiling**

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement, including profiling.

NHS Forth Valley does not undertake any decision-making about you using wholly automated means.

The Right to Complain

NHS Forth Valley employs a Data Protection Officer to check that we handle personal information in a way that meets data protection law.  If you are unhappy with the way in which we use your personal information please tell our Data Protection Officer using the contact details below.

The Data Protection Officer (DPO) for NHS Forth Valley is:

Deirdre Coyle
Head of Information Governance (DPO)
Information Governance Department NHS Forth Valley

Carseview

Castle Business Park

Stirling

FK9 4SW

**Email:** fv.informationgovernance@nhs.scot
**Phone:** 01786 457313

The Data Protection Officer for Balfron Health Centre is:

Ali Worrall

Practice Manager

Balfron Health Centre

41-47 Buchanan Street

Balfron

G63 0TS

**Email:** ali.worrall@nhs.scot

**Phone:** 01360 440515

You also have the right to complain about how we use your personal information to the ICO.  Further details about this are also available on their website at [www.ico.org.uk](http://www.ico.org.uk/)

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Translation Service/ Accessibility/ British Sign Language Provision

Interpretation and translation services are in place for NHS Forth Valley staff and service users for health related appointments.  NHS Forth Valley staff are responsible for making sure interpretation is booked by calling the Disability Equality & Access Service direct on 01324 590886, this service is available 24/7.  Please contact the team if you have any queries regards how to book interpretation or work with an interpreter and they will provide suitable information for your situation.  You can also email to FV.disabilitydepartment@nhs.scot

Website Use of Cookies

NHS Forth Valley uses Google Analytics cookies to measure use of our websites, including number of visitors, which pages are viewed, and how frequently they are viewed.  This helps to determine what is popular and can influence future content and development.  The data will not and cannot be used to identify any user personally.  More information about Google Analytics can be read [here](https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage).

Users have the opportunity to set their computers to accept all cookies, to notify them when a cookie is issued, or not to receive cookies at any time.  You will find further information online for your preferred web browser.  Preventing cookies may impact your experience using our website.

Surveys

From time-to-time our site requests information from users via surveys.  Participation in these surveys is completely voluntary and the user therefore has a choice whether or not to disclose this information.  The requested information typically includes contact information (such as name and address), and demographic information (such as postal code).  Contact information will not be shared with any third parties unless we give prior notice and choice.  We may use an intermediary to conduct these surveys; however they may not use user’s personal identifiable information for any secondary purposes.

Contact Information If users have any questions or suggestions regarding our website, please contact us using the details at the top of this page.