

Fair Processing Notice
Service Users, Visitors and Others

Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust 'the Trust' (ICO registration number Z9416280), is a body established under statute with functions to provide goods and services for the purposes of the health service in England.

In order to fulfil these functions, the Trust needs to collect and process certain information about you ('personal data'). This makes the Trust a 'data controller' for the information that the Trust collects and processes about you, and makes you the 'data subject'.

Maintaining the right of confidentiality to all service users is an important commitment for the Trust. The Trust also aims to be open and transparent about how it is handling the public's personal data and restore their sense of control over their personal data. This Fair Processing Notice (this "Notice") sets out details of the information that we may collect from you and how we may use that information.

In this Notice we use "we" or "us" or "our" or "the Trust" to refer to the Trust. Please take your time to read this Notice carefully. If you have any questions about this Notice, you can contact us using the details in section eight 'Contacting us'.

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WHAT PERSONAL INFORMATION DO WE PROCESS?

The personal information that we collect will depend on your relationship with us. For example, we will collect different personal information depending on whether you are a patient or a visitor to the Trust. For example, where you are a service user accessing healthcare services, the Trust will hold sensitive or 'special categories of data', such as information about your physical and mental health. If you are a visitor, it is unlikely the Trust would hold this level of information. Records are kept on paper, on electronic record systems and on some medical devices used by the Trust.

If you provide personal information to us about other individuals you should inform the individual about the contents of this Notice. We will process such information in accordance with this Notice.

We have set out detailed information below about the types of personal information we are likely to collect and use about you in different circumstances.

Service Users

Personal information

- General information you provide such as your name, address, contact details, date of birth, gender and next of kin, information relating to appointments
- Identification information, such as NHS number, national insurance number, passport number or driving license number
- Information regarding your ability to pay for services, if relevant
- Information relevant to any complaint you may make against the Trust or its staff
- Information you provide regarding your patient experience with us

Sensitive personal information / special categories of personal data

- Details of your current or former health condition, including information about medication, lifestyle and other information that may be relevant to your health e.g. employment history, family conditions; race; ethnicity; sex life or sexual orientation, religious or philosophical beliefs
- Information relating to criminal convictions (including offences and alleged offences and any court sentence or unspent criminal conviction)
- In limited circumstances, we may process other sensitive personal information including details of your political opinions; and trade union membership, for example, where it is relevant to your health or social history
- Images of you that are captured, for example, by CCTV

Others (E.g. Carers, Family & Friends of Service Users Visitors, Contractors, Suppliers)

Depending on the nature of your involvement with the Trust the data we may collect about you is set out below:

Personal information:

- General information you provide such as your name, address, contact details, date of birth, gender and next of kin, information relating to your visits to the Trust
- Identification information, such as NHS number, national insurance number, passport number or driving license number
- Information relevant to any complaint you may make against the Trust or its staff
- Information you provide regarding your experience with us
- Images of you that are captured, for example, by CCTV cameras on Trust premises, Images and video from body worn cameras and vision-based patient monitoring systems within specific inpatient services.

Sensitive personal information / special categories of personal data:

- Details of your current or former health condition, including information about medication, lifestyle and other information that may be relevant to your health or the health of a patient e.g. employment history, family conditions; race; ethnicity; sex life or sexual orientation, religious or philosophical beliefs
- Information relating to criminal convictions (including offences and alleged offences and any court sentence or unspent criminal conviction)
- In limited circumstances, we may process other sensitive personal information including details of your political opinions; and trade union membership, for example, where it is relevant to your health or social history or that of a patient.

HOW DO WE COLLECT INFORMATION ABOUT YOU?

We collect personal information from a number of different sources, including:

- Directly from you. For example, when you access healthcare services (electronic, paper format), submit a query to us including by email or post.
- Telephone calls which in some circumstances may be recorded for training and monitoring purposes.
- Images and video from CCTV cameras on Trust premises.
- Images and video from body worn cameras and vision-based patient monitoring systems within specific inpatient services.
- From other healthcare organisations, such as your GP, NHS Acute Trusts an NHS body or a private healthcare, for example in order to access your medical records.
- Via Shared Care Record, such as the Great North Care Record (GNCR)
- Government agencies such as the police and councils
- Publicly available sources such as internet search engines, news articles and social media sites such as twitter.

WHY DO WE COLLECT INFORMATION ABOUT YOU?

We may use your information for a number of different purposes. For each purpose we must have a “legal ground” to use your personal information in such a way.

When the information that we process is classed as sensitive personal information/ special categories of personal data, we must have a specific, additional “legal ground” to process such information.

Generally, we will rely on the following “legal grounds”, as appropriate:

- We have a legal or regulatory obligation to use such personal information. For example, where our regulators require us to hold certain records of our dealings with you.
- We need to use your personal data in order to protect your vital interests or a third party. For example, in order to ensure your safety or the safety of others.
- We need to use your personal information for the performance of a task carried out in the public interest or in the exercise of our official authority. For example, in order to provide healthcare services.
- We need to use your personal information for purposes of medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. For example, in order to provide healthcare services and treatment to you.
- We need to use such personal information to establish, exercise or defend our legal rights. This might happen when we are faced with legal proceedings or want to bring legal proceedings ourselves.
- In very limited circumstances we will rely on your Consent to use your personal data (e.g. in relation to how you would like to receive communications from the Trust). Without it, we may be unable to provide you with appropriate healthcare. We will always explain why your consent is necessary.

You will find further details of our “legal grounds” for each of our processing purposes set out below.

Providing healthcare and Related Services

Legal grounds:

- The use is necessary for compliance with a legal obligation to which the Trust is subject.
- We need to use the information to protect your vital interests or the vital interests of a third party.
- The use 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 e.g. In order to provide you or another with healthcare services
- You have given us your consent.

Additional legal grounds for sensitive personal information / special categories of personal data:

- We need to use the information to protect your vital interests, or the vital interests of a third party and you or the third party are physically or legally incapable of giving consent.
- We need to use the information for reasons of substantial public interest.
- The use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- 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.
- You have given explicit consent.

Great North Care Record

The Trust participates in the Great North Care Record which allows different organisations across the Region to share information in order to provide direct care and treatment to patients.

As a partner in the Great North Care Record (GNCR), we need to request and share your information from and with other relevant parties who are part of your care and ongoing support network.

Full details of the member organisations of the GNCR, what data may be viewed across the GNCR network, and what are the benefits to being part of the GNCR are available from the GNCR website – <https://www.greatnorthcarerecord.org.uk/>

If you have any objection to being part of the GNCR you can contact the GNCR helpline on 0344 811 9587 and speak to a member of our team. In order to log and process your objection we are required to collect some basic demographic information about you. We will always seek to comply with your request, but in some circumstances, we may have to use your information to comply with our other legal duties.

111 Select Option 2 (Mental Health)

From 2 April 2024, people in the Northeast and North Cumbria will be able to contact local urgent mental health services by calling NHS 111 and selecting mental health option 2.

If you are calling from one of the following areas this service will be provided by CNTW:

- Gateshead,
- Newcastle,
- North Cumbria,
- North Tyneside,
- Northumberland,
- Sunderland
- South Tyneside,

111 select option 2 provides easily accessible and timely support to those that are experiencing mental health crisis including children and young people, 24 hours a day, 7 days a week via a national single point of access.

Any member of the public may dial 111 and select the mental health option. You may call for yourself or call on behalf of someone else such as a friend or a relative or a member of the public (with their consent).

Your call will be answered by a mental health professional and screened. The mental health professional will ask you for some personal details including your phone number, name, address, GP, and via a series of questions establish the appropriate help and support needed. These details will be used to create a new Trust Health Record for you, or to locate and update your existing Trust Health Record.

Calls will remain confidential within the services provided by CNTW and or other service commissioned on their behalf.

Calls are audio recorded for training and monitoring purposes. In line with national standards the telephone recording will be kept for 6 years. The mental health professional will also add details of the call to your Trust Electronic Health Record.

In circumstances where a caller is expressing an immediate intent to commit a serious criminal act, endanger themselves or others, or when a child or adult is at risk, third parties such as the emergency services and local authorities will be informed as appropriate.

Legal Grounds

- 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 e.g. in order to provide you or another with healthcare services
- Processing is necessary to protect the vital interests of the data subject or another natural person.

Additional legal grounds for sensitive personal information / special categories of personal data:

- Processing is necessary to protect the vital interests of the data subject or another natural person where the data subject is physically or legally incapable of giving consent.
- Processing is necessary for the purposes of preventive 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.

Administration and management of healthcare services (such as maintaining records, managing IT systems, receiving professional advice)

Legal grounds:

- the use 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 e.g. in order to provide you or another with healthcare services
- you have given us your consent.

Additional legal grounds for sensitive personal information / special categories of personal data:

- the use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- you have given explicit consent.

- the use is necessary in order for us to establish, exercise or defend our legal rights.

Service improvement, evaluation and audit (in order to improve the healthcare services that the Trust and others provide, and to protect and improve the health of the public)

Legal grounds:

- the use is necessary for compliance with a legal obligation.
- the use 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 e.g. in order to provide you or another with healthcare services
- you have given us your consent.

Additional legal grounds for sensitive personal information / special categories of personal data:

- we need to use the information for reasons of substantial public interest.
- the use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- the use 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.
- you have given explicit consent.

Communicating with you and resolving any queries or complaints that you might have. Communicating with any other individual that you ask us to update about your care.

Legal grounds:

- the use is necessary for compliance with a legal obligation.
- the use 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 e.g. in order to provide you or another with healthcare services
- you have given us your consent.

Additional legal grounds for sensitive personal information / special categories of personal data:

- The use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- The use is necessary in order for us to establish, exercise or defend our legal rights.
- You have given explicit consent.

Complying with our legal and regulatory requirements

Legal grounds:

- The use is necessary for compliance with a legal obligation.
- The use 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 e.g. In order to provide you or another with healthcare services
- You have given us your consent.

Additional legal grounds for sensitive personal information / special categories of personal data:

- The use is necessary in order for us to establish, exercise or defend our legal rights.
- We need to use the information for reasons of substantial public interest.
- You have given explicit consent.

Clinical Research and Development

The Trust actively promotes research with a view to improving quality of services for the future and this means giving you the opportunity to participate in important research studies. If you would like to get involved in our research, please discuss this with the team who are providing your treatment. If we use your patient information for research, we remove your name and all other personal data which would identify you. If we need the information in a form that would personally identify

you, we will ask for your permission first. Additionally, a member of Trust staff may also approach or contact you about research that you may be interested in and for which we think you may be suitable after checking your records. If you would prefer, we did not check your records to determine your eligibility for research then please let us know, this will not affect your care or treatment in any way. You are under no obligation to participate, and no identifiable information is ever shared by CNTW for the purpose of clinical research and development without your consent.

Legal grounds:

- The use is necessary for compliance with a legal obligation.
- The use 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 e.g. In order to provide you with healthcare services
- You have given us your consent.

Additional legal grounds for sensitive personal information:

- The use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- We need to use the information for reasons of substantial public interest.
- The use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- The use 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.
- The use is necessary for public interest or scientific research purposes so long as it is subject to appropriate safeguards.
- You have given explicit consent.

Safeguarding purposes (for example, in order to ensure the health and safety of an individual)

Legal grounds:

- The use is necessary for compliance with a legal obligation to which the Trust is subject.
- We need to use the information to protect your vital interests or the vital interests of a third party.
- The use 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 e.g. In order to provide you with healthcare services

Additional legal grounds for sensitive personal information:

- We need to use the information to protect your vital interests, or the vital interests of a third party and you or the third party are physically or legally incapable of giving consent
- The use is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
- We need to use the information for reasons of substantial public interest.

Preventing and investigating fraud or the prevention and detection of crime. This might include sharing your personal information with third parties such as the police or fraud prevention agencies, for example, NHS Counter Fraud Authority or Audit One

Legal grounds:

- The use is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust.
- Necessary for the purposes of legitimate interests
- You have given us your consent.

Additional legal grounds for sensitive personal information:

- We need to use the information for reasons of substantial public interest.
- You have given explicit consent.

WHO DO WE SHARE YOUR INFORMATION WITH?

From time to time, we may share your personal information with others. The Trust engage with third parties who may process your personal or personal sensitive categories of data with appropriate governance i.e. security. We will keep your personal information confidential and only share it with those listed below for the purposes explained in the previous section.

If you would like further information regarding the disclosure of your personal information, please contact us using the details set out in section eight.

NHS Organisations

We may share your personal information with other NHS organisations, including:

- Other NHS trusts or care providers with whom you have had contact with, such as general practitioners (GPs), NHS ambulance services, Acute Trusts
- Integrated Care Board (ICB)
- NHS England
- NHS primary care agencies
- NHS Counter Fraud Authority

Non-NHS Organisations

We may share your information with other non-NHS organisations, such as:

- Organisations from which you are also receiving healthcare services.
- Our regulators, e.g. The [Care Quality Commission](#) (click for link to privacy statement) and Monitor.
- Our subsidiary company, NTW Solutions

In 2017 the Trust set up a wholly owned subsidiary company named NTW Solutions Limited which is contracted to provide a range of services to the Trust including but not limited to; Workforce, Digital (IT), Estates, Facilities and Catering.

As such, NTW Solutions Limited will have access to the personal data of Trust employees and service users for the purpose of providing such services. Your personal data will be shared with NTW Solutions Limited to the extent it is required in connection with the services being provided to the Trust.

- Third-party contractors/ data processors.

- The Department of Health.
- Schools and education services.
- Local authorities and social services.
- Police.
- Fraud detection agencies and other third parties who operate and maintain fraud detection registers.
- Trust professional advisors such as accountants and solicitors
- AuditOne;
- Voluntary and private sector providers Including but not limited to Turning Point, Everyturn and Insight Healthcare; and
- CRIS Network

What marketing or fundraising activities do we carry out?

Your personal information will only be used for the above purposes. It will never be used for marketing or insurance purposes.

What automated decision-making ('profiling') do we carry out in relation to your personal information?

An automated decision is a decision made by computer without any human input. The Trust do not currently carry out automated decision-making ('profiling') in respect of your personal information.

NATIONAL DATA OPT OUT

You have a choice about how you want your confidential patient information to be used. You can opt out from the use of your data for research or planning purposes. If you're happy for us to use your information for these purposes, you do not need to do anything.

If you choose to opt out, your confidential patient information will still be used to support your individual care. To find out more or to register your choice to opt out, visit nhs.uk/your-nhs-data-matters. Here you can:

- Find out what is meant by confidential patient information.

- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care.
- Find out more about the benefits of sharing data.
- Understand more about who uses your data.
- Find out how your data is protected.
- Access the system to view, set or change your opt-out setting
- Find a contact telephone number to find out more or opt-out by phone.
- Find out in which situations the opt-out does not apply.

You can find out more about how patient information is used at:

hra.nhs.uk/information-about-patients

understandingpatientdata.org.uk/what-you-need-know

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes. Data would only be used in this way with your specific agreement.

Our Trust is currently compliant with the national data opt-out policy.

HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?

We will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Notice and to comply with our legal and regulatory obligations.

The exact time period will depend on your relationship with us and the type of personal information we hold. For example, information about your health will be retained longer than information relating to a query received from a member of the public.

The Trust follows the Records management: NHS code of practice ([Records Management Code of Practice - NHS Transformation Directorate \(england.nhs.uk\)](https://www.england.nhs.uk/recordsmanagement/)). A hard copy is available on request. This provides further information regarding the periods for which your personal information will be stored and explains where the requirements may vary for some types of health record, such as those relating to:

- Children.

- People taking part in a clinical trial.
- People receiving treatment for a mental disorder within the meaning of the Mental Health Act 1983.
- People serving in the armed forces.
- People serving a prison sentence.

If you require any further information about the periods for which your personal information is stored, please contact us using the details below.

INTERNATIONAL DATA TRANSFERS

The Trust (and third parties acting on its behalf) does not currently store or process information that we collect about you in countries outside the United Kingdom (UK). However, if this changes the Trust will take the required steps to ensure that your personal information is protected.

YOUR RIGHTS

Under data protection law you have certain rights in relation to the personal information that we hold about you. These include rights to know what information we hold about you and how it is used.

You may exercise these rights at any time by contacting us at:

Disclosures@CNTW.nhs.uk

Disclosures Department

St Nicholas Hospital

Jubilee Road

Gosforth NE3 3XT

Phone: 0191 2466896

Please note that you will need to provide something to help us identify you, such as a copy of your driving license or passport and something with your name and address on such as a utility bill.

You should normally have access to your information within one month of receipt of a valid request for access to information and there will not usually be a charge for handling a request to exercise your rights.

If we do not comply with your request to exercise your rights, we will usually tell you why.

There are some special rules about how these rights apply to health information.

If you make a large number of requests or it is clear that it is not reasonable for us to comply with a request, then we do not have to respond. Alternatively, we can charge for responding.

Your rights include:

The Right to Access Information

You are usually entitled to a copy of the personal information we hold about you and details about how we use it.

Your information will usually be provided to you in writing, unless otherwise requested. If you have made the request electronically (e.g. by email) the information will be provided to you by electronic means where possible.

Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you, or disclosure would cause you or a third-party serious harm.

You are entitled to the following under data protection law:

- We must usually confirm whether we have personal information about you. If we do hold personal information about you, we usually need to explain to you:
 - The purposes for which we use your personal information.

- The types of personal information we hold about you.
- Who your personal information has been or will be shared with, including in particular organisations based outside the UK.
- If your personal information leaves the UK, how we make sure that it is protected.
- Where possible, the length of time we expect to hold your personal information. If that is not possible, the criteria we use to determine how long we hold your information for.
- If the personal data we hold about you was not provided by you, details of the source of the information.
- Whether we make any decisions about you solely by computer and if so, details of how those decision are made and the impact they may have on you.
- Your right to ask us to amend or delete your personal information.
- Your right to ask us to restrict how your personal information is used or to object to our use of your personal information.
- Your right to complain to the Information Commissioner's Office.

We also need to provide you with a copy of your personal data.

The Right to Rectification

We take reasonable steps to ensure that the information we hold about you is accurate and complete. However, if you do not believe this is the case, you can ask us to update or amend it. There are some exceptions to this right which can be applied by the Trust, for example where it is necessary for the performance of a task carried out in the public interest or in the exercise of the Trust's official authority i.e. it needs to keep the information in order to provide effective healthcare services. In some circumstances the Trust may rectify your information, by adding a supplementary statement to your records setting out what you consider to be incorrect.

The Right to Erasure (otherwise known as the "right to be forgotten")

In some circumstances, we must delete your personal information if you ask us to. We do not have to comply with all requests to delete personal information. For example, we do not have to comply if we need to retain your personal information in case you make a legal claim against us, or we need to retain the information for the performance or a public interest task (i.e. in order to provide you with effective healthcare services).

The Right to Restrict Processing

You also have the right to restrict processing in certain circumstances, for example where you think that the personal information, we hold about you may be inaccurate or where you think that we no longer need to use your personal information. If you exercise this right then the Trust will stop any further processing but may continue to store your personal data. There are exceptions to this right which can be applied by the Trust, for example where the Trust can demonstrate compelling and overriding legitimate grounds to continue, where the processing is necessary for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest.

The Right to Notification

The Trust have a duty to ensure that you are notified of specific activities and that any third parties are notified if you exercise any of your rights (i.e. alter, restrict) in a way which may be relevant to them.

The Right to Object to Marketing

You can ask us to stop sending you marketing messages at any time, and we must comply with your request. However, the Trust does not currently send marketing messages.

The Right to Object to Processing

In some circumstances you have the right to object to our use of your personal information and we must stop using it in that way. Even these cases, we sometimes can continue to use your personal information, for example if this is necessary to defend a legal claim brought against us.

The Right Not to be Subject to Automated Decisions (i.e. decisions that are made about you by computer alone)

You have a right to not be subject to automatic decisions (i.e. decisions that are made about you by computer alone) that have a legal or other significant effect on you.

However, the Trust does not currently make automated decisions.

The Right to Withdraw Consent

In very limited circumstances we need your consent in order to use your personal information. We have explained in section three where we may rely on your consent in this way. Where we do this, you have the right to withdraw your consent to further use of your personal information. You can do this by contacting us using the details below. We will explain the consequences of the withdrawal of consent to you.

The Right to Complain to the Information Commissioner's Office

You can complain to the Information Commissioner's Office (ICO) if you are unhappy with the way that we have dealt with a request from you to exercise any of these rights, or if you think we have not complied with our legal obligations.

More information can be found on the Information Commissioner's Office website:
<https://ico.org.uk/>

Making a complaint will not affect any other legal rights or remedies that you have.

CHANGES TO THIS NOTICE

The Trust will update this notice from time to time if for example if the Trust alters the purposes for or legal bases under which it processes your personal data or wishes to transfer your information to new recipients or outside of the United Kingdom.

CONTACT US

Further Information

- For further information about how the Trust uses your personal information, you can refer to your clinical team or the Trust's website:

<https://www.cntw.nhs.uk/>.

- You can also contact the Data Protection Officer for the Trust.

Data Protection Officer:

Angela Faill, Head of Information Governance and Medico Legal

St Nicholas Hospital

Jubilee Road

Gosforth NE3 3XT

Email: DPO@cntw.nhs.uk

- If you have any concerns about the way the Trust is using or sharing your information, you can speak to your clinical team or the Data Protection Officer in the first instance.