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'

- Race
- Ethnic origin



'Belief'

- Political Opinions
- Religion
- Philosophical Beliefs
- Trade Union Membership



'Body'

- Health
- Biometric data
- Genetic data



'Sex'

- Concerning a natural person's 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 eg. 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 eg. If found in procession of suspicious substance (s)
- 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 Subject Access Team
Health & Corporate Record Services
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 House
Castle Business Park
Stirling
FK9 4SW

Email: fv.informationgovernance@nhs.scot
Phone: 01786 457328 / 457337

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

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: other rights.

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

Sarah Hughes-Jones
Head of Information Governance (DPO)
Carseview House
Castle Business Park
Stirling
FK9 4SW

Email: fv.informationgovernance@nhs.scot
Tel: 01786 457313

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

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

Cookies are small text files which are transferred to your computer or mobile when you visit a website or app.

NHS Forth Valley uses cookies to provide a better user experience and 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.

Cookie preferences can be modified at any time from the 'Cookie Settings' link at the footer of the website.

Technical or functional cookies

Some cookies ensure that certain parts of the website work properly and that your user preferences remain known. By placing functional cookies, we make it easier for you to visit our website. This way, you do not need to repeatedly enter the same information when visiting our website and, for example, repeat your cookie preference setting each visit.

Statistics or analytical cookies

We use statistics cookies to optimize the website experience for our users. With these statistics cookies we get insights in the usage of our website. We ask your permission to place statistics cookies.

Marketing/Tracking cookies

Some third party services used on this site may include marketing cookies. These include Google Maps, YouTube, Vimeo and social network integrations. We ask your permission to place marketing cookies.

Please read the privacy statement of these services and social networks (which can change regularly) to read what they do with your (personal) data which they process using these cookies. The data that is retrieved is anonymised as much as possible.

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.

V2.05 November 2022