

(As of 24th January 2024) FINAL – RSFT/ASPH Privacy Notice to link to following content:

Privacy Notice – Royal Surrey NHS Foundation Trust & Ashford and St Peter’s NHS Foundation Trust MyCare Patient Portal

Plain English explanation	
<p>This privacy notice explains how your data is used as part of the MyCare patient portal.</p> <p>MyCare patient portal allows patients access to view their health records, clinic letters, pre-operation questionnaires and manage appointments from their personal mobile devices or computer. The portal is available online via a web browser. In order to gain access to the portal, you will be required to review and accept its terms and conditions.</p>	
As part of this Privacy Notice we are required by law to provide you with the following information. To help in understanding the terms of this Notice we have provided definitions where indicated.	
1) Controller contact details	<p>Royal Surrey NHS Foundation Trust (RSFT) 01483 571 122</p> <p>Ashford and St Peter’s NHS Foundation Trust (ASPH) 01932 872 000</p>
2) Data Protection Officer (DPO) contact details	<p>Royal Surrey NHS Foundation Trust DPO: Ruth Drewett ruth.drewett@nhs.net</p> <p>Ashford and St Peter’s NHS Foundation Trust DPOs: Jane Townsend & Kam Dhaliwal asp-tr.IG@nhs.net</p>
3) Purpose of the processing (sharing)	<p>Information will be used in order to provide you with access to your hospital records. This is for the purposes of providing direct care.</p> <p>Direct Patient Care is defined as: <i>“a clinical, social or public health activity concerned with the prevention, investigation and treatment of illness and the alleviation of suffering of individuals. It includes supporting individuals' ability to function and improve their participation in life and society. It includes the assurance of safe and high-quality care and treatment through local audit, the management of untoward or adverse incidents, person satisfaction including measurement of outcomes undertaken by one or more registered and regulated health or social care professionals and their team with whom the individual has a legitimate relationship for their care”.</i> [Information: To Share or Not To Share? Dame Fiona Caldicott, April 2013 https://www.gov.uk/government/publications/the-information-governance-review].</p>

<p>4) Lawful basis for processing (sharing)</p> <p>“Processing involves any operation performed on personal data, whether or not by automated means. This includes collection, use, recording, feeding it to machine learning algorithms.”</p>	<p>The use of personal data for MyCare patient portal is supported under the following Article 6 and 9 conditions of the: Data Protection Act 2018/General Data Protection Regulation</p> <p><i>Article 6(1)(b) ‘processing is necessary for the performance of a contract to which the data subject is party’</i></p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative 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...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”.</p> <p>“Common Law Duty of Confidentiality”</p> <p>Common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or 'case' law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.</p> <p>The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent or, in the absence of consent, a legitimising purpose.</p>
<p>5) The Recipient or categories of recipients of the processed data</p>	<p>Categories of recipients</p> <p>Individual patients / service user will be able to see their own information only. Anything uploaded by the patient / service user will be shared with the relevant clinician.</p>
<p>7) Rights to object</p>	<p>You have the right to object to some or all your information being processed (shared) under current data protection legislation (Article 21 the General Data Protection Regulations 2016, and the Data Protection Act 2018).</p> <p>You are advised that whilst under this legislation you have the right to raise an objection, this right is not absolute in relation to health and care data being shared for for the purposes of direct care under the lawful bases for sharing as described in section 4 of this Privacy Notice.</p>

	<p>All objections will be considered on an individual basis by the Data Controller.</p> <p>The contact details for the DPO can be found in section 2 of this Privacy Notice, or on the respective hospital's website.</p>
<p>8) Right to access and rectification</p>	<p>Access</p> <p>You have the right to see the data that is being shared about you. This is known as 'the right of subject access'. You can make a request for this information from a provider.</p> <p>If your health or care provider holds information about you, and you make a subject access request they will:</p> <ul style="list-style-type: none"> • Give you a description of it; • Tell you why it is being held; • Tell you who it could be shared with; and • Let you have a copy of the information in an intelligible form. <p>To make a Subject Access Request, you will need to contact your health or care provider's Medical Records Department in writing. The contact details for each organisation is as follows:</p> <p>RSFT Medical Records: Medical Records Royal Surrey NHS Foundation Trust rsc-tr.MedicalRecordsDPA@nhs.net</p> <p>ASPH Medical Records: Access to Health Records (ashfordstpeters.nhs.uk) asp-tr.sar@nhs.net</p> <p>Rectification</p> <p>You have the right to have inaccurate personal data rectified, and in some circumstances removed. Requests to amend or delete data should be made to the individual Data Controller via the DPO, as per the contact information in section 2 of this Privacy Notice.</p> <p>Under current data protection legislation, all data controllers have a responsibility to ensure the information held about you is correct and up to date and must take all reasonable steps to correct or erase incorrect information as soon as possible.</p> <p>All requests to amend or remove information will be addressed on an individual basis by each Data Controller, however, it should be noted that, for example, information recorded by a health or care professional that is believed to be correct at the time of documentation, even when subsequently updated, is unlikely to be removed.</p>

	There is no right to have accurate medical records deleted except when ordered by a Court of Law.
8) Retention period	Information held about you by each Data Controller will be retained in line with the law and national guidance – Records Management Code of Practice.
9) Right to Complain.	<p>You have the right to complain about the way in which your information is used or shared, if you think the information has been shared inappropriately. Each provider will have their own complaints process and you will need to contact them directly to register a complaint.</p> <p>You can find the contact details and information about how to register a complaint on the respective hospital's website.</p> <p>Royal Surrey patients – if, as a patient, relative or visitor, you have any concerns, please contact our Patient Advice and Liaison Service which is open Monday to Friday, between 9 a.m. – 3 p.m. via email rsc-tr.PALS@nhs.net or telephone - 01483 402 757.</p> <p>Ashford and St Peter's patients - if, as a patient, relative or visitor, you have any concerns please contact our Patient Advice and Liaison Service which is open Monday to Friday, between 9 a.m. – 4 p.m. only via email asp-tr.patient.advice@nhs.net or telephone - 01932 723553</p> <p>You can also contact the Information Commissioner's Office via the following link https://ico.org.uk/global/contact-us/ or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).</p>
10) Access using NHS login details	Please note that if you access our service using your NHS login details, the identity verification services are managed by NHS England. NHS England is the controller for any personal information you provided to NHS England to get an NHS login account and verify your identity, and uses that personal information solely for that single purpose. For this personal information, our role is a "processor" only and we must act under the instructions provided by NHS England (as the "controller") when verifying your identity. To see NHS England's Privacy Notice and Terms and Conditions, please click here . This restriction does not apply to the personal information you provide to us separately.