

How we use your personal data

This transparency notice provides information on how we use your personal data, in line with the General Data Protection Regulation (GDPR).

GDPR data controller

The East and North Hertfordshire NHS Trust is the Data Controller for the processing of personal data for the Trust. We are registered with the Information Commissioners Office (ICO) as required by Data Protection Legislation (Registration No. Z8221057).

Our Data Protection Officer, whose duties include monitoring internal compliance and advising the Trust on its data protection obligations, can be contacted via email address dataprotection.enh-tr@nhs.net.

Understanding the health and care information we collect

Information about you and your health is recorded when you receive health care or social care, to help with your care and treatment. This is what most people call your medical records. Each organisation you have contact with keeps its own records on you. Information includes:

- your name, date of birth, address and contact details
- your NHS number, which makes sure your records are linked to you and you alone
- details of health conditions and illnesses
- medicines and other treatments
- records of contact you've had with doctors and other health and care workers

Good care requires good information about you, so it's very important that this information is recorded.

Legal basis for collecting patient data

NHS England are an executive non-departmental body reporting to the Department of Health and Social Care. Most of the Trust's processing activity is directed by the Secretary of State for Health and Social Care.

These directions create a legal obligation for our collecting and processing of patient data.

Recently published directions and an [A-Z of all directions](#) can be found here

On behalf of NHS England and in accordance with the Health and Social Care Act 2012, the Trust is legally required to collect data and information about patients. This information is needed to check how the health and care service is doing and to improve everyone's care.

To carry out these duties, we use confidential patient information within NHS England, and we sometimes share it with other authorised organisations so that they can use it to improve everyone's health and care.

Most of the time, the information that we use and share could not identify you as an individual. Wherever possible, we make sure that any details that could identify individual people (such as name, address, and patient record number) have been removed, before we use data. We call this 'anonymised data'.

Occasionally, we allow the use of data that could potentially identify you, because it needs to be linked to your unique individual patient record. We call this 'identifiable data'. Information that could potentially identify you is only used if it is:

- Used to improve health and care.
- Looked after properly and kept safe.
- Allowed by law.
- Absolutely necessary - where anonymised data cannot not do the same job.

There are very strict rules about who can access confidential patient information, to include how it must be protected from unauthorised access, and the health and care requirement that it will be used for.

GDPR - Your rights as a data subject

The UK General Data Protection Regulation legislation of 2018 (GDPR) gives people a number of rights concerning their personal data. Not all rights apply equally to NHS data processing activity, as certain rights are not available depending on the lawful basis for the processing.

Examples; the rights of the data subject may not apply if the NHS lawful basis for processing personal data is:

- Important Public Interest - Then the rights to erasure, and to restrict the use of your personal data do not apply.
- Legal Obligation – Then the rights to erasure, to restrict use, object, and the rights relating to automated decision making and profiling do not apply.

If you require further details, each link below will take you to the Information Commissioner's Office's website where further detail is provided in section 'When does the right apply'.

These rights under GDPR are:

1. [Right to be informed](#)
2. [Right of access](#)
3. [Right to rectification](#)
4. [Right to erasure](#)

5. [Right to restrict processing](#)
6. [Right to data portability](#)
7. [Right to object](#)
8. [Rights in relation to automated decision making and profiling.](#)

We want you to feel confident that we look after everyone's personal data in accordance with the Data Protection laws. If you have any questions about your rights, you can get in touch with us at dataprotection.enh-tr@nhs.net

Opt out of sharing your health records

Where we collect and use information that could identify you, you can make certain choices, including whether to opt out of sharing your confidential patient information. You can choose whether or not your data is used for research and planning. There are different types of data-sharing you can opt out of.

1. Stop your GP surgery from sharing your data

This is called a Type 1 Opt-out.

- To do this you need to fill in an opt-out form and return it to your GP surgery. Download a Type 1 Opt-out form.
- Only your GP surgery can process your opt-out form. They will be able to tell you if, and when, you have been opted out.

If you choose a Type 1 Opt-out, your GP will not share your data for research and planning. However, NHS England will still be able to collect and share data from other healthcare providers, such as hospitals.

2. Stop NHS England and other health and care organisations from sharing your data for research and planning

This is called the National Data Opt-out.

- To opt out online or find out more, visit [Make your choice](#).
- If you choose this opt-out, NHS England and other health and care organisations will not be able to share any of your personal data with other organisations for research and planning, except in certain situations. For example, when required by law.
- [Manage your choice](#), or your child's choice on their behalf. Use this form to make a choice for yourself and/or children under the age of 13.
- [Manage another person's](#) choice on their behalf. Use this form to make a choice for another person who cannot manage their choice themselves; https://assets.nhs.uk/nhsuk-cms/documents/Make_and_manage_a_choice_for_someone_else_PDF_182kb.pdf
- If you want to check if you have opted out, you can enter your details again at [Make your choice](#) or check your settings in the [NHS App](#).

You can opt out, or opt back in again, at any time.

Requesting a copy of your information

We collect information from health and care organisations providing your care and would advise contacting them directly for a more complete record of your care or treatment. We do not hold your whole medical or care record. Click [here](#) for more information.

You are entitled to see your health records held, albeit there are some procedures that need to be followed.

To find out more or to make a request, please contact the medico-legal services team by calling or emailing them using the information listed below.

East North Hertfordshire Trust Medico-Legal Team

Telephone: 01438 28 6930/6931

Email: medicolegal.enh-tr@nhs.net

For patients treated at the Mount Vernon Cancer Centre, please telephone 020 3826 2020 or alternatively write to:

Health Records Department
Mount Vernon Cancer Centre
Rickmansworth Road
Northwood
Middlesex
HA6 2NR

Concerns and complaints

We are sorry if you have not been completely satisfied with the care you or a family member have received at our Trust.

To help resolve your concerns as quickly as possible, please speak to a senior member of staff or a matron.

We also have a [Patient Advice and Liaison Service](#) (PALS team) who can provide you with advice and support. The PALS team aims to help patients, carers, staff and the public by:

- Listening to your concerns about your care and providing support and help to resolve them.
- Answering questions about your care in our hospitals.
- Providing 'on the spot help' by giving advice, information and support.
- Helping disabled patients who experience any difficulty in accessing our services.
- Referring patients to the complaints department.
- Passing on your compliments to our staff.

Our PALS team, which covers the Lister, New QEII and Hertford County hospitals and the Mount Vernon Cancer Centre, is based at the Lister.

The team can be contacted by telephone, 01438 285811 or via email, pals.enh-tr@nhs.net

You also have the right to raise a concern directly with the [Information Commissioner's Office](#) at any time.

Data sources

<https://ico.org.uk/ESDWebPages/Entry/Z8221057>

<https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions>

<https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions/secretary-of-state-directions-a-z>
<https://ico.org.uk/for-the-public>

<https://www.nhs.uk/using-the-nhs/about-the-nhs/opt-out-of-sharing-your-health-records/>

<https://assets.nhs.uk/nhsuk-cms/documents/Type1Opt-outform.docx>

<https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>

<https://www.nhs.uk/nhs-app/>

<https://www.enherts-tr.nhs.uk/patient-visitors/commitment/health-records/>
<https://digital.nhs.uk/data-and-information/keeping-data-safe-and-benefitting-the-public/how-we-look-after-your-health-and-care-information/understanding-the-health-and-care-information-we-collect>

<https://www.gov.uk/government/publications/health-and-social-care-act-2012-fact-sheets>

<https://ico.org.uk/global/contact-us/>

<https://digital.nhs.uk/data-and-information/keeping-data-safe-and-benefitting-the-public/gdpr/gdpr-register>

<https://www.enherts-tr.nhs.uk/patient-visitors/your-feedback-matters/survey/>