



You and your personal information

A guide to why we collect information about our patients and the ways in which it may be used in the NHS

This leaflet tells you what happens to the personal information held about you in our hospitals. East Kent Hospitals aims to provide you with the highest quality care. To do this, we must keep records about you and the care we provide for you.

1. Why do you need information about me?

We need to keep information about you to provide you with the best possible standards of healthcare from us. This information will include your name, address, date of birth, and details of your medical history. The records are stored both on paper and computer and may take other forms such as x-ray films and photographs. Our guiding principle is that we are holding your records in strict confidence. We will not disclose your information to third parties (including your relatives) without your consent, unless there are exceptional circumstances. Any health or social care provider who receives any of your personal information from us is also under a legal duty to keep it confidential.

2. How are my records used to help me?

Your doctor or other healthcare professionals involved in your care need accurate and up to date information to properly assess your health and decide what care you need now or in the future. Complete healthcare records are needed should you need to see another doctor, or are referred to a specialist or another part of the NHS. Your concerns can be properly investigated if you feel you need to complain.

How are my records used to help the NHS?

Treatment records kept on patients help clinical staff provide the right healthcare for each individual. Your information may also be used to help us:

- review the care we provide to make sure it is of the highest standard
- teach and train healthcare professionals
- carry out health research
- prepare statistics on NHS performance

- make sure our services meet patient needs in the future
- manage and plan within the NHS
- support the funding of your care.

Processing of data for these purposes by the NHS, as an official authority with a public duty to care for its patients, has a lawful basis under the General Data Protection Regulations (GDPR) for the provision of health and social care and treatment of patients, along with the management of health or social care systems and services. For other purposes, your personal data can only be used with your explicit consent or by virtue of other laws or regulations.

3. Who else may see my records?

- Social Services and Benefits Agencies may need medical reports on you from time to time, and requests for these will be disclosed only when accompanied by your signed consent. Failure to co-operate with these agencies can lead to loss of benefit or support.
- Certain public authorities, where there are specific laws requiring sharing of your information, for example births, deaths, and cases of certain infectious diseases and food poisoning.
- The police in matters of overriding public interest, for example where serious criminal offences have been committed.
- Law courts can insist that hospital trusts disclose medical records to them.
- Solicitors may ask for medical reports. These will be supplied only with your consent.
- Insurance companies may ask for medical reports on prospective clients or in pursuit of claims but your consent is needed.

4. Can my doctor give information to my employer?

Doctors cannot give information about you to an employer without your permission. If with your agreement your doctor writes a medical report, you are entitled to see it before it is passed on, unless your doctor decides it could be harmful for you to see it. You can refuse to let your employer or insurance company see the report or you can add your own written comments.

5. Are my records kept confidential?

Everyone working in the NHS (even those working on a voluntary basis) has a legal duty to maintain the highest level of confidentiality about your personal information.

6. What if I do not want my personal information to be shared with other people or organisations?

Whenever you use a health or care service, information about you is collected in a patient record for that service. Collecting this information helps to make sure you get the best possible care and treatment.

The information collected about you when you use these services can also be given to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services.

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family, and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

Most of the time, anonymised data is used for research and planning, so that you cannot be identified. In which case your confidential patient information is not needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. To find out more or to register your choice to opt out, please visit the NHS web site (<https://www.nhs.uk/your-nhs-data-matters>) or the Trust's National Data Opt-Out Programme (<https://www.ekhuft.nhs.uk/information-for-patients/quality-care-for-all/your-personal-data/your-right-to-opt-out/>) page.

If you cannot access these web sites you can:

- Telephone: 0300 3035678
- Email (enquiries@nhsdigital.nhs.uk)

Alternatively you can tell your doctor or a member of their team, or contact the Trust's Data Protection Officer.

What are my rights?

Data protection laws give individuals rights in respect of the personal information that we hold about you.

- You have the right to be told why, where, and how we use your information.
- You have the right to see your medical records, unless the information is considered harmful to you. You should begin by asking the person treating you if you can see your notes and if they will go through them with you. There is no charge for this. If your request cannot be granted for any reason, or if you need a copy of your notes, you can apply in writing or telephone the Access to Healthcare Records Team (contact details are listed under **How do I apply?** below).
- You have the right to ask for your information to be corrected if it is inaccurate or incomplete.
- You have the right to ask for your information to be deleted or removed where there is no need for us to continue processing it.
- You have the right to ask us to restrict the use of your information.
- You have the right to ask us to copy or transfer your information from one electronic system to another in a safe and secure way, without impacting the quality of the information.
- You have the right to object to how your information is used.

- You have the right to challenge any decisions made without human intervention (automated decision making). Should you have any queries on the uses of your information, wish to exercise one or more of your rights or complain about our use of your information, please contact our Data Protection Officer using the contact details at the end of this leaflet.

Seeing my medical records

Who can apply?

You can apply to see your own records, but you can also apply:

- On behalf of **your child** if they are under 16; the child's consent will be needed if they are under 16 and of sufficient maturity to consent to allow you to see their records.
- To see the record of a **patient who has died**, but only if you are acting as their Personal Representative or if you have a claim arising from their death.
- On behalf of **someone who lacks capacity** to give their permission because of age or illness; but only if you have a formal Power of Attorney.
- If you are under 16, an application to see your records can be considered depending on whether the doctor in charge of your treatment considers you to have the required maturity.

How do I apply?

Requests need to be made to the Access to Healthcare Records Team, Queen Elizabeth the Queen Mother (QEQM) Hospital, St Peters Road, Margate CT9 4AN, telephone number 01843 234522. For more information, please go to the Access to Healthcare Records Team (<https://www.ekhuft.nhs.uk/contact-us/access-you-health-records/>) web page.

What will it cost?

East Kent Hospitals generally do not charge for requests for information. However, where the request is manifestly unfounded or excessive you may be charged a "reasonable fee" for the administrative costs of complying with your request.

You can also be charged a reasonable fee if you request further copies of the information following a request. This fee would be based on the administrative costs of providing further copies.

How long will it take?

We must provide a copy of your records within 28 calendar days from the receipt of your request in writing. However, should your request be complex or you make more than one, the response time may be a maximum of three calendar months, starting from the day after receipt of your original request.

How will my records be shown to me?

If you are given access, you will be sent a copy of the relevant parts of your medical records by post. If you need an explanation of any medical terms or abbreviations which are not clear to you, or entries which are difficult to read, then you may request an appointment with a member of staff to have these explained.

Can I change my records?

If you think your record is inaccurate you can ask for it to be corrected. The Trust is not obliged to accept your corrections, but a note about why you think the information is inaccurate will be added to your records. You

will be sent an amended copy free of charge.

Can I be refused access to my records?

You can be refused access to records, or part of them, if:

- your doctor thinks you, or someone else, could be seriously harmed as a result; or
- the information relates to, or was provided by, an identified individual apart from the patient or health professional.

Health records and the law

The Trust has a legal duty to keep your health records confidential, accurate, and available in accordance with data protection laws, the NHS Constitution, and common law. Information is held for the periods of time recommended by the Records Management Code of Practice for Health and Social Care 2021.

Our staff members undertake annual training to process your information correctly and protect your privacy. We aim to maintain high standards, adopt best practice for our record keeping, and regularly check and report on how we are doing.

Your information is never collected for direct marketing purposes, and is not sold on to third parties. Your information is not sent outside the United Kingdom or the European Union unless the recipient has the same level of legal responsibility as we do.

Do you want to know more?

If you have any questions about accessing your health records, please contact the Access to Health Records Team.

- **Access to Health Records Team**

Telephone: 01843 234522

Email (ekh-tr.accesstorecords@nhs.net)

Web (<https://www.ekhuft.nhs.uk/contact-us/access-you-health-records/>)

If you have any further questions about confidentiality, consent, or how the Trust uses your personal information, please contact the Trust's Data Protection Officer.

- Trust Data Protection Officer
2nd Floor Modernisation Building
Kent and Canterbury Hospital
Ethelbert Road
Canterbury Kent CT1 3NG
Telephone: 01227 78 31 42
Email (ekhuft.dataprotectionofficer@nhs.net)

Further information on you and your information and a copy of the latest Privacy Notices from the Trust can also be found on the Trust web site (<https://www.ekhuft.nhs.uk/information-for-patients/quality-care-for-all/your-personal-data/>).

This leaflet has been produced with and for patients.

If you would like this information in **another language, audio, Braille, Easy Read, or large print** please ask a member of staff. You can ask someone to contact us on your behalf.

Any complaints, comments, concerns, or compliments please speak to your doctor or nurse, or contact the Patient Advice and Liaison Service (PALS) on 01227 783145 (tel://+441227783145), or email ekh-tr.pals@nhs.net (ekh-tr.pals@nhs.net)

Patients should not bring large sums of money or valuables into hospital. Please note that East Kent Hospitals accepts no responsibility for the loss or damage to personal property, unless the property has been handed into Trust staff for safe-keeping.

Further patient leaflets are available via the East Kent Hospitals website (<https://www.ekhuft.nhs.uk/information-for-patients/patient-information/>).

Reference number: EKH042

First published:
April 2007

Last reviewed:
October 2021

Next review date:
February 2025

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