Privacy Notice - How we use Your Personal Data

1. Introduction

encompass is a Health and Social Care programme that was established to create a single digital health and care record for every citizen in Northern Ireland who receives health and social care. encompass is part of the Business Services Organisation (BSO) which provides a broad range of regional business support functions and specialist professional services to the health and social care sector in Northern Ireland. Please refer to the following link Home - Business Services Organisation (BSO) Website

Your Trust is the data controller of your information held on encompass. Although encompass is the name of the programme that has delivered this new digital system, it is not a legal entity or a data controller in its own right. BSO is a legal entity and is the data processor of the information it receives about you from the Trusts.

The purpose of encompass is to create a single electronic health and care record to cover both health and social care which will be shared across Primary and Secondary Care in Northern Ireland. Primary Care is often the first point of contact for people in need of healthcare, usually provided by clinicians such as GPs. Secondary Care can either be

planned (elective) care such as a cataract operation, or urgent and emergency care such as treatment for a fracture This means that irrespective of where you live or which health and social care facility you attend, the appropriate Health and Social Care (HSC) staff will have access to the relevant information about you to enable them to provide the appropriate care and services for you. Each Trust is now live with encompass.

How encompass is used to help you

- It makes it easier for clinicians and other health and social care professionals such as Doctors, Nurses and Social Workers, as well as certain authorised administrative staff, to view important information about you
- It helps ensure your information is kept accurate and up to date
- Your information is available when you need to attend another hospital or health and social care setting which may prevent repeat tests
- encompass provides a dedicated service user portal called My Care which can be accessed via a smartphone app or a website portal. This allows you to view your health information including some of your medical history, upcoming appointments, healthcare reminders and test results. You cannot update or change your health information using this portal. This portal allows you to update your preferred name, telephone number, temporary address (such as short-term place of care) and your preferences of how you wish to receive information
- Clinicians can decide on the medical priorities for referrals quicker and assign urgent appointments faster
- Secure and controlled access to service user information across the HSC enables safe, high quality and effective care to citizens.

How your information is used to help us

encompass enables health and social care staff to have more efficient, controlled and secure access to your information to enable treatment e.g. staff can access your summary medical details on screen quickly and access your health and social care record when needed. This enables appropriate staff to view services you have received, tests you have had carried out and appointments you have attended.

The single health and social care record delivered by encompass simplifies how a health and social care professional accesses your record and improves the accuracy and quality of information available to them and the care delivered to you.

In order for encompass to provide this service for you we need to process some information about you. Personal data that we process about you is governed by the current data protection legislation, namely the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

2. Personal data

encompass uses personal data for a number of purposes. This Privacy Notice provides a summary of how we use this information. To ensure that we process personal data fairly and lawfully we are required to advise on a number of issues, some are copied below:

- Why we need this information
- What personal data we collect
- How it will be used

- With whom it will be shared
- How long it will be kept for

For more information on your rights, please refer to the ICO's website: https://ico.org.uk/for-the-public/

3. Why we need your personal data

encompass processes your personal information in order to provide health and care services to you under a range of statutory functions and functions that are within the public interest.

The conditions that ensure encompass processes your personal data lawfully are set out in Article 6 and Article 9 of the UK General Data Protection Regulation (UK GDPR). These conditions include complying with our legal obligations, to meet the vital interests of service users, for public health purposes and to fulfil our public duty to provide health and social care services and manage our systems (more information is outlined in Annex 1).

4. What information is collected?

We only collect the information we need to. This will include your name, Health and Care number, address, date of birth, contact details and relevant health and social care information including community and social care information, medicines, allergies, illnesses, diagnoses, treatments you are receiving and some results e.g. laboratory and radiology test results. We may need to collect information about you from other people which will be recorded on your record, for example, information about your current physical health from your family, carers, other health staff, or if necessary, other external agencies. If you are a carer we may need to collect information about you to provide care to the relevant service user, for example your contact details.

encompass may also collect and record special category information for use as required by appropriate HSC staff such as:

- medical records (including mental health records)
- social care records
- information concerning health
- racial or ethnic origin
- religious or philosophical beliefs
- information concerning sexual life / sexual orientation

5. How is it collected?

Information you provide to us is recorded within your digital record in the electronic health and care record solution from the date of your Trust's Go Live. This can include information you provide in person or electronically, on an official form (either online or in paper form) or by telephone.

Some of your historical information will be available on your record in encompass such as some clinical information from the past 3 years including the last 3 years of lab results, radiology reports, vital, cardiology reports and endoscopy reports. Other information will include some referral information, future appointments and waiting list information.

6. What do we do with your information (processing)?

Processing is any operation performed on personal data, and includes collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, disclosure, or otherwise making available, restriction, erasure or destruction.

We collect your health and social care information to assist and treat you and plan healthcare services for you. Other reasons your information may be used include:

- Guide – it helps us assess your needs and make decisions with you
- Record the care you receive - referrals, appointments and services
- Review and support carers – if you care for someone, it may be necessary to review your information to assess additional support for you or the people you care for
- Give us up-to-date information - helping us to provide better care
- To communicate with you by post, email, telephone, messaging or text. This is to provide information about your appointments and ongoing care e.g. texts to remind you about your appointment date and time. Should you wish to opt out of texts then please contact the relevant booking office or inform the receptionist when you attend the clinic. You can amend your contact preferences via the service user portal
- Helping to review the care given to you to ensure it is of the highest standard. This is done through internal audits, service user/carer feedback evaluations or external inspections of our services
- Train and educate staff – we review our service user care to ensure good practice across the services we offer you
- Looking after the health and social welfare of the general public
- Investigating complaints or legal claims
- Preparing statistics on HSC's activity and performance
- Providing anonymised or pseudonymised data[1], for example to the Strategic Planning and Performance Group (SPPG) within the Department of Health and PHA (Public Health Agency) for the planning of services.

[1] Article 4 of the Data Protection Act 2018 defines pseudonymisation as meaning *"the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person".*

- Improve Services - we do on occasions safely share data in a way that does not identify the individual service user. This is called anonymised information and can be used for planning, research and audit purposes – this helps us make best use of resources, supporting prevention of ill health and improving treatment. We anonymise your information prior to sharing
- Review deaths - multidisciplinary mortality reviews; deaths that occur in Trusts are subject to review. This includes the multidisciplinary team providing the direct service user care, reviewing the treatment and care provided and acting upon any learning lessons identified. This improves the quality of care for service users as well as service user safety.

7. Who will my information be shared with?

To help us provide the best care or service for you, we may need to share your information with authorised individuals directly involved in your health and/or social care.

Your information may be shared with healthcare providers within the UK. Sharing of your information to these healthcare providers is only for the purposes of your direct care e.g., if you see a specialist at another UK organisation and does not require your explicit consent.

Your information may be shared with healthcare providers in other countries outside the UK which have the same electronic healthcare system. Sharing of your information to these healthcare providers is only for the purpose of providing you with essential treatment e.g. if you are injured in a car accident whilst on holiday. In these circumstances when your personal information is to be shared outside the UK, you will be asked to sign a consent form by the international healthcare provider for the purposes of sharing your

information. If you incapable of giving consent (e.g. you are unconscious) your information will be provided if necessary to protect your vital interests (e.g. emergency medical care).

Your relatives, friends and carers may be given information about you, but only if you agree, or in circumstances where it is necessary to ensure your health and wellbeing or where there are safeguarding concerns. This could include information about your current physical wellbeing or details about your medication.

Relevant staff involved in your care may share information with each other about you, e.g. your information will be shared with staff in:

- Family practitioner services including general practice
- Acute services in hospital
- Outpatient services in hospital
- Community services such as Social Care
- Community based optometry

This will include people such as:

- GPs
- Doctors
- Nurses
- Social Workers
- Optometrists
- Pharmacists
- Health and social care administration
- Allied Health Professionals, e.g. Physiotherapists; and
- Other health and social care professionals

All HSC staff are obliged within their contracts of employment, professional Codes of Conduct and by the common law Duty of

Confidentiality to ensure that all personal data is treated with the highest possible levels of confidentiality. Contractors and agency staff are also bound by contractual confidentiality obligations.

Your information may also be used in a way that does not identify you, for example, anonymised data may be used to help identify trends such as increases in certain diseases. We may use your personal data for other purposes such as health and social care research. We can only do this if we comply with the appropriate lawful basis e.g. you provide your explicit consent to using your data for research.

There may be occasions where your information is shared with other organisations without your consent but this will only happen when it is -:

- Required by law
- Required by a Court Order
- Necessary to share information with other organisations as part of a regulatory, statutory or lawful process such as RQIA (The Regulation and Quality Improvement Authority) responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland
- Necessary to detect or prevent crime, including allegations or suspicions of fraud
- Necessary to protect the public from serious harm, e.g. the protection of vulnerable adults or children
- Required for monitoring certain health conditions, e.g. sharing of infectious disease related information with PHA (the Public Health Agency)

- Monitoring of deaths, e.g. review of hospital deaths or for organ donation purposes
- Necessary for the provision of services, e.g. information may be shared with other health providers contracted/sub contracted to provide care on our behalf, such as the independent health care sector who help to address waiting lists
- Necessary to communicate with service users, e.g. information may be shared with third party organisations contracted/ sub contracted to BSO who will send out correspondence via post or electronic methods.

We share the minimum personal data necessary and where possible we will anonymise data before sharing with others.

8. How will it affect me if I do not want to provide information?

The purpose of using your information is to provide you with safe, fast and effective care. In order for encompass to provide this service for you we need to process some information about you and you cannot opt out of this processing. This processing and sharing of information allow encompass and or health and social care services to provide you and others with appropriate care and protection.

9. Security of your information

We take your privacy seriously. Staff must only access your information on a strict 'need to know' basis or when they are involved in your period of care. All staff have a legal duty to keep your information safe and confidential, as does anyone who receives information about you from encompass. In line with legislation

encompass has a range of measures and strict standards to protect electronically held information.

Access is based on role type so the information available to users will depend on their access level. Safeguards are in place to enable staff to access summary information about a service user when it is relevant to their job and appropriate to do so.

When we refer to role type we mean for example a Consultant will have full access to the relevant service user information on encompass. So, a Cardiology Consultant (a doctor with a specialism in dealing with service users who have heart conditions) will have access to all of a service user's medical records in order to build up a complete picture of their service user's health. This is to provide the best possible care for that service user. Whereas an administration role would have restricted access limited to only viewing information related to their role such as referral letter lists and outcomes which help them to book further service user appointments or blood results in order to be able to give service users their blood results, if appropriate. Staff are trained in data protection and confidentiality and have a legal duty to keep your information safe and confidential.

The software provider and managed service provider for encompass provides the technical support to ensure the system is working effectively. Your information will only be processed to resolve technical errors or issues following secure protocols in line with applicable organisational policies and contractual obligations, which will include provisions relating to data protection, confidentiality and cyber security. Should personal data be necessary to resolve an issue, only minimal information will be shared as required.

A record is kept every time a member of staff accesses your information.

There are security measures put in place to ensure a high standard of IT security (including cyber security) across all Health and Social Care Services protecting them from all threats. These could be internal, external, deliberate or accidental threats.

We only share information when absolutely necessary. We have procedures to deal with any suspected data security breach and will notify you and the ICO (Information Commissioner's Office) of a suspected breach where we are legally required to do so.

Should encompass receive requests for information from external bodies each will be considered on an individual basis. An example of this would be a request by Independent Health Care Providers who may also be providing care to you.

Your information may be shared with healthcare providers in other countries outside the UK which have the same electronic healthcare system for the purpose of providing direct care. We will not transfer your data to other countries outside the UK without an appropriate lawful basis for doing so (such as explicit consent or in your vital interests) and the information having been secured in a way that safeguards it during and after transfer to the country receiving it.

10. How long will my information be retained for?

We will retain your information in line with specific guidance issued by the Department of Health in Northern Ireland. The length of time we keep your information for will depend on the types of records created for your care. If you want to find out more about how long your records are retained, you can view the "Good Management, Good Records" section under "Disposal Schedule" on Department of Health's website. Please refer to the following link: https://www.health-ni.gov.uk/topics/good-management-good-records

11. Keeping your information up-to-date

It is very important that the information we hold about you is correct and up-to-date. You can help us to do that by telling us of any changes by contacting your relevant Trust or GP or via the service user portal. Please tell us if you move house, change your GP, change your name or telephone number.

12. Your Rights

You have certain rights under UK GDPR in relation to the information we hold about you in encompass, namely:

- The right to obtain confirmation that your personal information is being processed and the right to request access to your personal information. For example, you have the right to submit a Subject Access Request to a Trust for a copy of your health record
- The right to have personal information rectified if it is inaccurate or incomplete. You have the right to ask Trusts to rectify information you think is inaccurate. You also have the right to ask Trusts to complete information you think is incomplete. This right always applies.
- The right to have personal information erased and to prevent processing, in specific circumstances
- The right to 'block' or suppress processing of personal information, in specific circumstances
- The right to portability, in specific circumstances
- The right to object to the processing, in specific circumstances
- The rights in relation to automated decision making and profiling

Detailed guidance on your rights is available from the Information Commissioner's Office which can be accessed via this link: *https://ico.org.uk/for-the-public/*

If you wish to exercise any of these rights you should contact your relevant Trust (contact details outlined at Annex 2).

13. How do I see my information?

You have a right of access under data protection legislation to request a copy of information held about you. This is more commonly referred to as a Subject Access Request. If you want to see the information held about you, or ask about how we use it, we would suggest as a first step an informal approach to your GP or other HSC professional that you may be seeing.

To formally request access a copy of your health and care record you can write or speak to your GP Practice or the relevant Trust(s) where you are receiving or have received care. In most cases, the deadline for response will be one calendar month, although this can be extended to 3 months where a request is deemed complex. A list of all Trusts with contact details and link to Privacy Notices is outlined at Annex 2.

You will also be able to access some of your information via the service user portal as described in the section entitled **How encompass is used to help you** above.

14. Is there any information that I cannot see?

There are occasions when other people (for example, relatives, friends or carers) have provided information relating to your care. In some cases, there may also be information in your notes about other people that is their personal data. We have a duty to keep certain

information confidential and may not be able to share it with you. This would not apply to health workers, social workers and education workers as per Schedule 2, Part 3, Paragraph 17 of Data Protection Act 2018. Each request will be assessed on a case-by-case basis.

15. Where can I find more information?

The conditions that ensure encompass processes your personal data lawfully are set out in Article 6 and Article 9 of the UK General Data Protection Regulation (UK GDPR). These conditions include, for example, complying with our legal obligations, to meet the vital interests of service users, for public health purposes and to fulfil our public duty to provide health and social care services and manage our systems (more information is outlined in Annex 1).

If you want to know more about how we use your information, or if you are unhappy about how we use your information or comply with your request, you can contact the relevant Trust outlined in Annex 2.

If you have any further concerns or queries on how your personal data is being processed you can contact the Information Commissioners Office: -

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 0303 123 1113
Website: https://ico.org.uk/

If you want to know more about the encompass programme you can find out more information at https://dhcni.hscni.net/digital-portfolio/encompass/

16. Changes to our Privacy Notice

encompass will keep this Privacy Notice under regular review and will place any updates on this document.

This information is available in various formats. Please ask contact bso.communications@hscni.net for details.

Annex 1

UK Data Protection Law

The Data Protection Act 2018 (DPA), and the General Data Protection Regulation as it applies in the UK (known as the UK GDPR) require us to ensure that personal data is adequately protected by placing a legal obligation on us to do so. This legislation provides us with a framework to ensure that your information is handled securely and requires us to ensure we have a legal basis for using this information for your care.

In order to comply with our obligations under the UK GDPR and DPA, any personal data processing carried out by any HSC organisation must have lawful basis (Article 6 UK GDPR) and, as the processing relates to data concerning health, must also comply with a lawful processing condition (Article 9 UK GDPR), as further defined by the DPA.

Legal Basis for Processing: Article 6 Lawful basis: Personal Data

For the processing of personal data to be lawful at least one of the lawful bases listed under Article 6 of UK GDPR must be met. The statutory provision of Health and Social Care by HSC organisations within Northern Ireland is outlined in the Health and Social Care (Reform) Act (Northern Ireland) 2009 (as amended).

The lawful bases met within Article 6 are outlined below: -

(b) Performance of a contract: processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. This basis is relevant to the processing of staff information only;

(c) Legal obligation: processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) Vital interests: the processing is necessary to protect someone's life;

(e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Legal Basis for Processing: Article 9 condition: Special Categories of Personal Data

encompass will require the processing of Special Category data including information about health, ethnic or racial origin, religious or philosophical beliefs and sex life or sexual orientation.

For the processing of Special Category information, it is necessary to identify a condition for processing under Article 9 of the UK GDPR. The conditions met within Article 9 are outlined below;

(c) Vital interests: (to protect the vital interests of the data subject, who cannot give consent (life or death situations).

(g) Reasons of substantial public interest (with a basis in law): (which shall be proportionate to the purpose and, respect the essence of the right to data protection). In relation to this condition, the associated condition in paragraph 6 (Statutory etc. and government purposes) condition of Part 2 (Substantial public interest conditions) of Schedule 1 of the DPA is also met.

(h) Health or social care (with a basis in law): (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).

(i) Public health (with a basis in law): (protecting against serious internal or cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices).

(j) Archiving, research and statistics (with a basis in law): (archiving purposes in the public interest, scientific or historical research purposes or statistical purposes).

In relation to conditions (h) – (j) inclusive, the associated conditions in paragraphs 1, 2, 3 and 4 of Part 1 (Conditions relating to employment, health and social care, public health and research etc.) of Schedule 1 of the DPA are also met.

We are also obliged to comply with the following law and professional guidance: -
Health and Social Care (Reform) Act (Northern Ireland) 2009 (as amended)
Health and Social Care (Reform) Act (Northern Ireland) 2009 (legislation.gov.uk)

Department of Health Code of Practice on protecting the Confidentiality of Service User Information
https://www.health-ni.gov.uk/publications/code-practice-protecting-confidentiality-service-user-information

GMC Guidance on patient confidentiality
Confidentiality: good practice in handling patient information - professional standards - GMC (gmc-uk.org)

Annex 2

Organisation	Link to Privacy Notice
Belfast Health and Social Care Trust Royal Victoria Hospital 274 Grosvenor Road Belfast BT12 6BA	Data protection | Belfast Health & Social Care Trust website (hscni.net)
Northern Health and Social Care Trust Bretten Hall Bush Road Antrim BT41 2RL	Protecting-and-using-your-information-Information-for-patients-and-service-users.pdf (hscni.net)
Southern Health and Social Care Trust Craigavon Area Hospital 68 Lurgan Road Portadown Craigavon BT63 5QQ	Access to Information | Southern Health & Social Care Trust (hscni.net)
South Eastern Health and Social Care Trust Upper Newtownards Road Dundonald Belfast BT16 1RH	Access to Information - South Eastern Health & Social Care Trust (hscni.net)

Western Health and Social Care Trust MDEC Building Altnagelvin Area Hospital site Glenshane Road Londonderry BT47 6SB	https://westerntrust.hscni.net/about-the-trust/access-to-information/personal-information/