

## How we use and protect your personal information under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018).

### Privacy Notice – Patient Records

Updated Dec 2024

#### Why does the NHS keep information about you?

The legal basis for the processing of data for these purposes is that the NHS is an official authority with a public duty to care for its patients, as guided by the Department of Health.

The organisation responsible for processing your data is Bolton NHS Foundation Trust.

The teams of hospital and community professionals caring for you need to keep records about your health and any treatment and care you have received.

Your health records help to ensure you receive the best possible care.

#### What personal information about you is collected

Your doctor, nurse and the team of health & care professionals caring for you, keep records about your treatment and care both on paper and electronically.

These include, but are not limited to:

- Personal details such as name, address, date of birth, ethnicity and religion, NHS number and next of kin.
- Contact we have with you e.g. hospital admissions, outpatients/clinic appointments and home visits.
- Notes and reports by health and care professionals about your health, GP details etc.
- Details and records about your treatment and care.
- Results of x-rays, laboratory tests, and any other tests.
- Relevant information about people that care for you and know you well.
- Basic details about associated people e.g. children, partners, carers, relatives etc.

This information may be given to us directly by you. We may also hold information relating to your direct care which has been provided to us by third parties, such as referral information from your GP, Optician or from other bodies such as schools.

#### What are we going to do with your information?

Your health records are used to make sure that the teams of health and social care professionals caring for you have accurate and up to date information about your medical condition and circumstances.

Also we will manage your records with clear retention periods under the NHS Records Management Code of Practice for Health and Social Care.

A copy of the code is available [here](#).

Information collected about you to deliver your health care is also used to assist with:

- Making sure your care is of a high standard.
- Using statistical information to look after the health and wellbeing of the general public and planning services to meet the needs of the population.
- Assessing your condition against a set of risk criteria to ensure you are receiving the best possible care.
- Preparing statistics on our performance for the Department of Health and other regulatory bodies.
- Helping train staff, support research and conduct surveys to maintain the quality of our services.
- Supporting the funding of your care.
- Reporting and investigation of complaints, claims and untoward incidents.
- Reporting events to the appropriate authorities when we are required to do so by law

## How will keep your information secure and confidential?

All members of staff working in the NHS and other healthcare organisations have a legal duty to keep information about you strictly confidential (unless in extreme circumstances where your safety or that of others is compromised).

The NHS has a code of confidentiality which all staff must adhere to.

We also keep all paper and electronic records securely to prevent unauthorised access in accordance with the UK General Data Protection Regulation and Data Protection Act 2018.

## The law and your personal information

There are many government policies and Acts of Parliament which require the Trust to report certain personal information to other organisations.

The Trust will not disclose personal information about you without your permission, unless required by law to do so, such as:

- When a baby is born.
- When a death occurs.
- When a court order has been issued.
- At the request of the Coroner.
- When an infectious disease is diagnosed.

## We will also share relevant information about you to:

- Assess and plan the type of care or treatment you need.
- Provide up to date information to other health and social care organisations involved in your care.
- Keep your GP fully informed.
- Share with external organisations for the purposes of continuity of your care and wellbeing when appropriate.
- Reviewing and auditing the quality of the services we provide.

## You have rights under the Data Protection Laws:

Data Protection laws give individuals rights in respect of the personal information that we hold about you. These are:

<p><b>Right to be informed</b></p>	<p>The information we supply about the processing of personal data must be:</p> <ul style="list-style-type: none"> <li>• Concise.</li> <li>• Transparent.</li> <li>• Intelligible and easily accessible.</li> <li>• Written in clear and plain language.</li> <li>• Free of charge.</li> </ul>
<p><b>Right of access</b></p>	<p>You can find out if we hold any personal information by making a 'subject access request' under the DPA 2018. If we do hold information about you, we will:</p> <ul style="list-style-type: none"> <li>• Give you a description of it.</li> <li>• Tell you why we are holding it.</li> <li>• Tell you who it could be disclosed to.</li> <li>• Let you have a copy of the information in an intelligible format.</li> </ul>
<p><b>Right to rectification (correction)</b></p>	<p>You are entitled to have personal data rectified if it is inaccurate or incomplete. If we have disclosed the personal data in question to others, we must contact each recipient and inform them of the rectification – unless this proves impossible or involves disproportionate effort. If asked to, we must also inform you about these recipients.</p> <p>We have one month to respond to a request for rectification. This can be extended by two months where the request for rectification is complex. If we decide not to take action in response to a request for rectification, we will explain to you the reasons why and explain your right to complain to the supervisory authority.</p>
<p><b>Right to erasure (to be forgotten)</b></p>	<p>The right to erasure does not provide an absolute 'right to be forgotten.' You have a right to have personal data erased and to prevent processing in specific circumstances.</p> <ul style="list-style-type: none"> <li>• Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.</li> <li>• When you withdraw consent.</li> <li>• When you object to the processing and there is no overriding legitimate interest for continuing the processing.</li> <li>• The personal data was unlawfully processed (i.e., otherwise in breach of the DPA 2018 and UK GDPR).</li> <li>• The personal data must be erased to comply with a legal obligation.</li> <li>• The personal data is processed in relation to the offer of information society services to a child.</li> </ul> <p>This right is not limited to processing that causes unwarranted and substantial damage or distress. However, if the processing does cause damage or distress, this is likely to make the case for erasure stronger.</p> <p><b>We can refuse to comply with a request for erasure where the personal data is processed for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• To exercise the right of freedom of expression and information</li> <li>• To comply with a legal obligation for the performance of a public interest task or exercise of official authority</li> </ul>

	<ul style="list-style-type: none"> <li>• For public health purposes in the public interest e.g., archiving purposes in the</li> <li>• Public interest, scientific research, historical research, or statistical purposes</li> <li>• The exercise or defense of legal claims</li> </ul> <p>Please note that the right to be forgotten does not apply to special category data i.e., medical records.</p>
<p><b>Right to restrict processing</b></p>	<p>We will be required to restrict the processing of personal data in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where you contest the accuracy of the personal data, we should restrict the processing until the accuracy of the personal data has been verified.</li> <li>• Where you have objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests) and we are considering whether we have legitimate grounds to override your rights.</li> <li>• When processing is unlawful, and you oppose erasure and request restriction instead.</li> <li>• If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim.</li> </ul> <p>We will continue to review procedures to ensure we are able to determine where we may be required to restrict the processing of personal data.</p>
<p><b>Right to data portability</b></p>	<p>The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services.</p> <p>It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.</p> <p><b>The right to data portability only applies:</b></p> <ul style="list-style-type: none"> <li>• To personal data you have provided to the Trust.</li> <li>• Where the processing is based on your consent or for the performance of a contract and when processing is carried out by automated means.</li> </ul>
<p><b>Right to object</b></p>	<p>You must have an objection on 'grounds relating to your particular situation' to exercise your right to object to processing for research purposes. If we are conducting research where the processing of personal data is necessary for the performance of a public interest task, we are not required to comply with an objection to the processing.</p> <p>We will stop processing personal data for direct marketing purposes as soon as we receive an objection. There are no grounds to refuse.</p> <p><b>You have the right to object to the following:</b></p> <ul style="list-style-type: none"> <li>• Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling)</li> <li>• Direct marketing (including profiling)</li> <li>• Processing for purposes of scientific/historical research and statistics</li> </ul>

## Use of artificial intelligence technology

Sometimes, we leverage the support of artificial intelligence to assist our clinical teams in diagnosing our patients. This advanced technology enhances our ability to provide accurate and timely diagnoses, ultimately improving patient outcomes and streamlining the diagnostic process. By integrating AI into our healthcare

practices, we can offer more precise and efficient care to those in need.

Artificial Intelligence (AI) refers to the simulation of human intelligence in machines that are programmed to think and learn like humans.

AI can help a Health and Care professional to reach a decision about your care, e.g. diagnosing a condition you have or to help you in choosing treatment options.

Decisions will not be made solely by the AI system; Health and Care professionals will always review and provide you with advice, allowing you to make the final decision on the care and treatment you receive.

**We will stop processing the personal data unless:**

- We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.
- The processing is for the establishment, exercise, or defence of legal claims.

**We do not carry out profiling and/or automated decision-making. This is documented in our data protection policy.**

**For further information please contact the Information Governance Team.**

## National Data Opt-Out

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment. The information collected about you when you use these services can also be used and provided 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 isn't 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. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters). You can also register your choice at your GP Practice.

You can also find out more about how patient information is used at:

- <https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and
- <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Please visit our [public website](#) for further details on this. Should you have any further queries on the uses of your information, please contact:

### What are your rights?

If at any point you believe the information we process on you is incorrect, you can request to see this information and have it corrected.

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

Data Protection Officer  
 Bolton NHS Foundation Trust,  
 Minerva Road, Farnworth, Bolton, BL4 0JR Tel:  
 01204 390 861,  
 Email: [Information.Governance@boltonft.nhs.uk](mailto:Information.Governance@boltonft.nhs.uk)

### Right to lodge a complaint with a Supervisory Authority

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO).

The ICO can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.  
<https://ico.org.uk/>

We recognise that not everyone will find this document easy to read. We can arrange for large print, audio tape versions and for summaries or explanations in other languages. Please call 01204 390193 if we can help.

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