

Staff Physiotherapy Privacy Notice

Introduction

This Privacy Notice explains what personal information the Staff Physiotherapy Service may collect from you, how we use, store or otherwise process this information, how long we retain it, with whom, and for which legal purpose(s) we may share it and how individuals can invoke their rights, in accordance with Data Protection Legislation.

Northumbria Healthcare NHS Foundation Trust (TRUST) is registered with the Information Commissioner's Office (ICO) to process personal and special categories of information under the Data Protection Act 2018 and our registration number is Z691260X

The Staff Physiotherapy Service is one of the departments within the Northumbria Healthcare NHS Foundation Trust.

All Trust privacy notices are available on the staff intranet page and are available on the Trusts website at <https://www.northumbria.nhs.uk/about-us/privacy-policy/>

We recognise the need to treat your personal and sensitive data in a lawful and fair manner. We will do this by;

- Only using it if we have a lawful reason to do so by ensuring you know how we intend to use it and advising you how to exercise your rights;
- Only collecting and using your information to provide you with appropriate care and treatment and by not using it for anything other than the purpose it was collected and not considered by law;
- Only using a proportional amount of your personal information that will be relevant and necessary for us to carry out various tasks within the delivery of your care;
- Keeping your information accurate and up to date when using it and if it is found to be inaccurate, we will rectify, where appropriate, as soon as we can;
- Only keeping your information in a way that it will identify you for as long as we are legally required to, whilst ensuring your rights;
- Having secure processes in place to keep your personal information safe and protected when it is being used, shared, and when it is being stored.

What type of information do we collect about you?

Personal information about you will be collected as part of your referral. Further personal information may be collected if you are referred by Occupational Health.

In order to carry out our activities and obligations as a Physiotherapy service (Providing musculoskeletal care and treatment), we may collect and process the following information:

- Personal demographics (gender, age, job band, position, title, department, base);
- Contact details such as names, address, email address, telephone number(s)
- Any other personal information that may be relevant for the provision of a Staff Physiotherapy service i.e. area of body problem, date of going off sick/ date of return to work

What is our purpose of processing your data?

To carry out our activities and obligations as a Staff Physiotherapy service providing musculoskeletal healthcare to staff, and:

- To undertake musculoskeletal assessments and advise on fitness to work
- To advise on adjustments to accommodate a disability or health condition
- To refer to a third party, treatments and/or care e.g. Occupational Health

- To check and review the quality of care. (This is called audit and clinical governance).
- Contact details such as names, addresses, telephone numbers to remind you about your appointments and send you relevant correspondence
- Contacting your GP in case of emergency
- Providing physiotherapy care
- Providing advice to management about on-going fitness to work or train and adjustments/aids to support working/training
- Undertaking assessments for consideration of retirement on the grounds of ill health
- To help train and educate health professionals
- Review of care e.g. anonymous auditing or service improvement to ensure we provide the relevant high-quality service
- Report and investigate complaints, claims and untoward incidents
- Health promotion/preventative activities

What is our lawful basis for processing your data?

We rely on specific legal provisions under Article 6 and 9 of the General Data Protection Regulations (GDPR) to process personal data to allow us to provide you with the purposes described in this notice.

When we process personal data, we do so under Article 6(1)(e) *“Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust (Data Controller)”* and occasionally Article 6(1)(d) *“When it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent”*

When we process special category data (sensitive)(Health Records), we do so under Article 9(2)(h) – *“Necessary for the reasons of preventative or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”* and occasionally Article 9(2)(c) *“when it is necessary to protect the vital interests of a person who is physically or legally incapable of giving consent”*

In addition, everyone working for the NHS must comply with the Common Law Duty of Confidentiality and various national and professional standards and requirements.

We have a duty to:

- maintain full and accurate records of the care we provide to you
- keep records about you confidential and secure
- provide information in a format that is accessible to you

For further information on this legislation please visit: <http://www.legislation.gov.uk/>

Who might we share your information with?

No confidential information held by the Physiotherapy Service will be disclosed without your explicit informed consent with the exception of:

- Where the disclosure is required by law (for example if ordered by a judge or a presiding officer of a court using a court order; to the HSE under the Health & Safety at Work etc. Act 1974; to the NHS Counter Fraud Service to detect and prosecute Fraud);
- Where the disclosure is in the public interest (for example where a worker’s health endangers others and the worker refuses to disclose information which would allow potential harm to be avoided).

Where disclosure of personal data is necessary for the above reasons, this will always be assessed on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Personal Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.

We may need to share your personal information with other third parties, which may include, but is not limited to;

- Your employer
- GP or other healthcare professionals involved in your care
- Her Majesty's Revenue and Customs (HMRC);
- Department for Work and Pensions (DWP);
- Disclosure and Barring Service (DBS);
- Home Office;
- Child Support Agency;
- Regulatory bodies, e.g. NMC, GMC;
- Law enforcement agencies including the Police and the Serious Organised Crime Agency
- NHS Business Services Authority - National NHS Electronic Staff Record (ESR) system.

The Information used is highly restricted to key staff in the Physiotherapy Service and required in the course of their work for legitimate reasons. The information is not processed, transmitted or stored outside of the UK and is not made available to others outside of the department unless there is a legitimate reason or consent has been provided.

Sharing for the Prevention and Detection of Crime and Fraud

Under the Data Protection Act Schedule 2(1)(2), we may share the information we hold about you to detect and prevent crime or fraud with other bodies that inspect and manage public funds.

We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation.

How we maintain your information?

Your personal information is held in both paper and electronic forms for specified periods of time as set out in the NHS Records Management Code of Practice for Health and Social Care 2016, National Archives Requirements and in line with Data Protection Legislation.

What are your rights as an individual?

Under Data Protection laws, you have rights which allow you to find out what information is held about you, on computer and in certain manual records. This is known as "right of access" and applies to your Physiotherapy records.

If you want to see or receive a copy of your records speak to a member of staff who will be able to help you. In certain circumstances access to your records may be limited, for example, if it is felt to be in your best interest or for the protection of others.

Under the law, you may also have additional rights in relation to your information. For example:

- You also have the right to request any decisions taken by automated decision making with regards to your information;

- The right to rectification of your information is found to be inaccurate (in line with NHS Guidelines);
- The right to restrict processing (where applicable);
- The right to data portability;
- You may have the right to erasure of your personal information held by us, in certain circumstances.
- You have the right to withdraw consent at any time, where consent has been given

For further information on your rights please visit the ICO website www.ico.org.uk or contact the Trust Data Protection Officer.

How can I access my information?

You can request access to the information that Physiotherapy holds about you. In order to do this, a formal request in writing needs to be submitted and supported with relevant documents i.e. Proof of identity/ consent

Your request, once agreed with you, should be sent to you as soon as possible but in any event within the statutory timescale of 30 calendar days as governed by the act, subject to the information not containing reference to a third party.

In certain circumstance we may be unable to provide the information within 30 calendar days. We will then inform you of the revised timescale prior to the 30-day deadline.

To submit a formal written request, please contact:

Information Governance

Digital Services

3rd Floor

Cobalt Business Exchange & Conference Centre

Cobalt Park Way

Newcastle upon Tyne

NE28 9NZ

Email: IGOfficer@Northumbria-healthcare.nhs.uk

Tel: 0191 607 3609 / 3610

Data Protection Officer

The Trust's Data Protection Officer (DPO) is responsible for ensuring that the Trust complies with the GDPR and other Data Protection Laws. The DPO is the first point of contact if you would like to know further information in relation to data which are being processed regarding you.

If you require information in any accessible format or language, or would like to a complaint in relation to how your data is being used in any of the ways described in this notice the contact details for the DPO are:

Tracey Best

Data Protection Officer

Digital Services

3rd Floor

Cobalt Business Exchange and Conference Centre

Cobalt Park Way

Newcastle upon Tyne

NE28 9NZ

Telephone: 01916073601

Or email to IGOfficer@northumbria-healthcare.nhs.uk

Making a Complaint

Should you wish to lodge a complaint about the use of your information, please contact our Physiotherapy Department at:

Wansbeck General Hospital
Woodhorn Lane
Ashington
Northumberland
NE61 2EF

You have the right to lodge a complaint if you are not content with the outcome of your confidentiality and data protection complaint and/or concern raised with the Trust to:

Post: The Information Commissioner's Office,
 Wycliffe House, Water Lane,
 Wilmslow,
 Cheshire,
 SK9 5AF

Helpline: 0303 123 1113 (Local Rate) or +44 1625 545 745 (outside UK)

Online: www.ico.org.uk