

LPT Privacy Notice

Who we are and what we do

Leicestershire Partnership NHS Trust (the Trust) is part of the NHS and provides the following services across Leicester, Leicestershire and Rutland:

- Inpatient mental health services
- Community mental health services
- Specialist Inpatient and Community mental health services e.g. Huntington's Disease service etc
- Services for people who come into contact with the criminal justice system
- Inpatient learning disability services
- Community learning disability services
- Inpatient and Community Adult eating disorders
- Inpatient Child and Adolescent mental health services
- Community child and adolescent mental health services
- Child and Adolescent Mental Health Services Eating Disorders
- Inpatient mental health services for older people
- Community mental health services for older people
- Children's Services e.g. public health nurses (health visitors and school nurse) etc
- Community physical health services e.g. district nursing, community therapy etc
- Inpatient physical health services – Community Hospitals including all therapy services
- Acute and Community dietetic services
- Podiatry services
- Leicester Recovery College – an NHS College offering a range of recovery focused educational courses for people with lived mental health experience.

When we process your personal information, Leicestershire Partnership NHS Trust (LPT) is the Data Controller. As a Data Controller, the Trust has a duty to comply with the EU General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018, which requires that processing of your personal information is **fair, lawful** and **transparent**. This means we must:

- Keep sufficient information to provide services and fulfil our legal responsibilities
- Keep your records secure and accurate
- Only keep information as long as necessary

- Collect, store and use the information you provide in a manner that is compatible with data protection legislation

Furthermore, we have a legal obligation to respect the common law duty of confidentiality. All our staff are contractually bound by this obligation through the terms and conditions of their employment with the Trust. Healthcare professionals are further committed to maintain confidentiality through their professional registration with the relevant professional bodies.

The Trust is registered as a data controller with the Information Commissioners Office – registration number **Z6769559**. Our registration entry can be seen [here](#)

Trust's Contact Details

Leicestershire Partnership NHS Trust
Riverside House, Bridge Park Plaza, Bridge Park Road, Thurmaston, LE4 8PQ
Tel: 0116 225 2525

Data Protection Officer

The Trust's Data Protection Officer is the Head of Data Privacy and be contacted at:

Data Privacy Team
Suite P1, Bridge Park Plaza, Bridge Park Road, Thurmaston, LE4 8BL

Tel: 0116 2294051

Email: LPT-DataPrivacy@leicspart.nhs.uk

Why do we need information about you?

In order to provide you with the highest quality of healthcare, we need to keep records about you. Health records comprise information relating to your physical or mental health, created by a healthcare professional to support your care. The Health records we create are mostly electronic, although you may also have some paper records.

What information we collect about you

The Trust will collect personal and sensitive information about you. This information is necessary in order to provide direct health care to you.

Personal information will include:

- Your name
- Your address and postcode
- Your telephone number(s)
- Your email address – where you have provided this as a communication preference
- Your NHS number
- Your marital status
- Your employment status
- Your preferred contact details e.g. relatives, friends and carers contact details

- Your opinions and decisions about your contact with our services

Sensitive or special category of information will include:

- Your racial or ethnic origin
- Your religious or other beliefs (if appropriate)
- Your sexual orientation
- Your specific health information
- Records of your contacts with our services
- Diagnosis and/or the problems that you are experiencing with your health
- Personal appearance and behaviour (relevant to your clinical presentation)
- Results of tests such as X-rays/Laboratory results or other investigations or assessments
- Any previous information from other health and/or social care organisations, local authorities including education
- Domestic and social circumstances directly relevant to your care and treatment
- Professional opinions on your current health status and future health care needs
- Information about risks that may affect you or where you may pose a risk to others

We may also collect and store information about previous convictions where this is relevant to the care and treatment we are providing to you and/or where this is relevant to the health and safety of our staff and other patients.

How we collect information about you

Most of the information held about you in the Trust has either come directly from you or as a result of the interaction between you and the health professional and administrative staff with whom you have contact. We may also receive information about you from:

- Your GP
- Other NHS Trusts such as a Hospital
- Podiatrists
- Local Authorities
- Police
- Relatives, carers and friends
- Your registration & updates to a Trust Wellbeing Account

How we use the information collect about you

The Trust collects information about you in order to be able to provide you with the direct health and social care and treatment.

The Trust collects information from you to be able to:

- Confirm your identity
- Contact you by post, email, telephone and MyMailbox Application (dependent on your preferences)
- Assess your health/social care needs

- Deliver appropriate health and care to you as out patient
- To contact you to get feedback on your experiences of our services
- Prevent harm or injury to you or another person
- Ensure that up-to-date and relevant information is available to all staff caring and treating you
- Ensure that the care and treatment that you receive is safe and effective
- Review the care and treatment provided to you to ensure that it is of the highest standard
- Ensure that we meet our legal obligations to provide health care in certain circumstances
- Review your care and treatment in the event of an untoward incident
- Manage and investigate complaints made by you or your family, about your care and treatment
- Respond to legal requirements including provision of information on notifiable diseases
- Provide information to other NHS organisations as required by law or other directions
- Ensure payments are made for *Out of Area* care or other specific care packages
- Prevent and detect fraud or crime
- Provide statistical analysis of the use of services and so that we can plan future services

The lawful basis for us using your information

The lawful basis for using your information under data protection legislation is a 'public task'. It is necessary for the Trust to use your information in order to provide you with direct care.

- **Patient 'personal data' is processed under Article 6 (1) (e)** which states that 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'
- **Patient 'sensitive data' is processed under Article 9 (2) (h)** which states that 'processing is necessary for the purposes of preventative 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 on the basis of the Union or member State Law'

This lawful basis means that individual's rights to 'erasure' and 'portability' does not apply

Using your information for research

Research has a vital role to play in the development of healthcare and health service delivery. The Trust is a proactive research institution and this is reflected in our aims and values. The Trust's Research and Development Department must approve research before it takes place.

As an NHS organisation we use personally-identifiable information to conduct research to improve health, care and services. As a publicly-funded organisation, we have to ensure that it is in the public interest when we use personally-identifiable

information from people who have agreed to take part in a research. This means that when you agree to take part in a research study, we will use your data in the ways needed to conduct and analyse the research study. Your rights to access, change or move your information are limited, as we need to manage your information in specific ways in order for the research to be reliable and accurate. If you withdraw from the study, we will keep the information about you that we already have obtained. To safeguard your rights, we will use the minimum personally-identifiable information possible.

Health and care research should serve the public interest, which means that we have to demonstrate that our research serves the interests of society as a whole. We do this by following the [UK Policy Framework for Health and Social Care Research](#)

Patient and public involvement

If you take part in our patient and public involvement or patient experience activities, we may collect and process personal confidential information which you have shared with us.

Where you submit your details to us for involvement and patient experience purposes, we will only use your information for this purpose.

Who we share your information with

- **Sharing for Direct Care**

As a patient of the Trust, your information will be shared within the care team providing you direct health care; that could be doctors, nurses, other allied health professional and social care professionals. Authorised non-health professionals will also have access to information about you as appropriate in order to manage your health records, write to you to invite you to appointments and generally manage your contacts with the Trust. All staff are bound by a contractual duty of confidentiality and are also subject to data protection legislation.

In some of our services, the social care professionals work as part of an integrated team or as part of the extended care team and both access and contribute to the electronic health records that we use, both RiO and SystemOne.

Information will also be shared with your General Practitioner (GP) to ensure that there is one continuous record of all health care that you have received from any NHS provider or other health provider.

The Trust will also share relevant information with other NHS Trusts such as a Hospital Trust where you are referred for specialist or hospital based treatment.

- **Information shared with your consent**

Where the Trust receives a request for information about you including information from your health records, if this is not connected with your direct health/social care, the Trust would ask for your explicit written consent. For example, if a solicitor or other external organisation such as an Insurance company asked for copies of your health record, the Trust would only provide this information about you when you have consented in writing and told us you are happy to share.

- **Information shared in your ‘best interests’**

If you lack the capacity to act on your own behalf, the Trust will, on a case by case basis, review what is your best interests and may share relevant information with your appointed representatives, such as:

- A person with Powers of Attorney
- A court appointed Deputy
- Family members who you have agreed can be involved in your care
- Court of Protection
- Independent Mental Capacity Advocates (IMCAs)

- **Information shared to protect ‘vital interests’**

There may be circumstances where we need to share information to protect you or another person or persons from serious harm. When this is the case, if we can tell you what we are going to share and why, we will do so. However, if to inform you would put you or another person in more danger, we would share specific information to protect you or someone else. This would be on the legal basis of sharing to protect a person or persons ‘vital interests’. The reason for sharing this information would be recorded.

- **Information shared with regards to Safeguarding**

The Trust may also share information about you or information that you have shared with us in order to protect or safeguard you or another individual.

The Trust has a legal responsibility under the Children’s Act 1989, and the 2004 Act to share such information that is required by the appropriate local authority who are conducting investigations in regard to the safeguarding of a child or children.

The Trust also has a duty to co-operate and to share relevant information in regard to a vulnerable adult as a result of the changes in the Care Act 2014. This Act gives the Local Authority in each area a duty to put procedures in place to safeguard vulnerable adults who have care and support needs. Other organisations identified by this law, including health Trusts such as Leicestershire Partnership NHS Trust, have a duty to assist the Local Authority and to provide relevant and specific information to assist in the protection of a vulnerable adult.

- **Information shared with the Police in relation to a serious crime/fraud**

There may be occasions when we receive a request from the Police for information about a suspect. We would only share limited information after considering the circumstances of the particular request. This would include consideration of the seriousness of the crime and whether withholding the information would be likely to prejudice the police’s ability to, prevent, detect, apprehend and prosecute that suspect in relation to the specific crime.

- **Information shared because of other legal bases**

The Health and Social Care Act 2012 set up a new NHS organisation called NHS Digital. NHS Digital was previously known as the Health and Social Care Information Centre.

One of the specific legal responsibilities of NHS Digital, is to be a safe haven of health and care information. NHS Digital collects data and information about people using health and care services in England and in some cases, Wales, Scotland and Northern Ireland. This information is needed to run the health service.

The Secretary of State for Health and Social Care, and NHS England, can tell NHS Digital to collect and process information on specific topics, or set up information systems to collect information. This means they can see, for example, whether policies are working or which treatments are most effective. These orders are known as 'directions'.

The Care Quality Commission (CQC), National Institute for Health and Care Excellence (NICE) and NHS Improvement (NHSI) can also tell NHS Digital to collect information. These are called 'mandatory requests'.

Other health and care organisations and local authorities can also ask NHS Digital to collect information for them, if they are legally allowed to view this information.

When NHS Digital is told or asked to collect certain information nationally, this means that Leicestershire Partnership NHS Trust has a legal duty to share the required information or data sets with NHS Digital.

NHS Digital publishes 'data provision notices', telling the Trust what data it needs to provide to NHS Digital.

Some of the information provided to NHS Digital is identifiable information. One of NHS Digital's roles is to convert such data into non-identifiable data or anonymised data for use within the local Health Service Commissioning bodies such as Clinical Commissioning Groups (CCGs). Where identifiable data is not required, this will be anonymised.

Shared electronic records

Some Services in the Trust use an electronic record system called SystmOne. This allows health and social care providers who are involved in delivering care to you (either currently or in the future) to benefit from being able to access your electronic health record, to support them with making a fully informed decision about the care you require. LPT have set their allowed list of providers which includes: University

Hospitals of Leicester, Leicestershire Partnership Trust, LOROS, Derbyshire Health United, Leicester City Council, Leicestershire County Council and Rutland County Council, West Leicestershire CCG GP Practices, East Leicestershire CCG GP Practices and Leicester City CCG Practices).

Call Recording

Telephone calls to some areas of the Trust are routinely recorded, such as our Booking Centres and Single Points of Access (SPA). The reasons for the recording are:

- Prevent crime or misuse
- Make sure that staff act in compliance with Trust procedures
- Ensure quality control and improve services
- Train staff

CCTV

Security cameras are installed in various locations across the Trust, to prevent and detect crime, and for the protection of staff, visitors and patients and their property. Requests for copies of recordings should be directed to the Data Privacy Department.

Short Message Service (SMS) text messaging

When attending the Trust for an appointment you may be asked to confirm that the Trust has an accurate contact number and mobile telephone number, in order that it can be used to provide appointment details via SMS text messages.

How long we keep your information

Information will be kept in accordance with the Records Management Code of Practice for Health and Social Care.

The usual retention periods for health records are as follows:

- 8 years after the date of your last treatment with us if you have physical health support
- 20 years after your last treatment date or contact with the service, if you are receiving mental health support
- For children's services, we retain records until the young person's 25th birthday or until their 26th birthday if they were 17 at the conclusion of the treatment.
- After a service user's death, most records are kept for a further 8 years in case of any ongoing issue such as an outstanding complaint or legal action

How we protect your Information

The Trust has processes in place to ensure that information is handled in a secure manner at all times. This includes safe haven procedures, encryption software and authorised only access to clinical systems.

Information Security and Confidentiality is included within the Trust's annual statutory and mandatory training.

Your individual rights

Data Protection Law gives individuals rights with regard to the use of their personal information. Individual Rights are:

- **The right to be informed:** you have the right to know what information we hold about you and how we use your information
- **The right to access information about you:** you have the right to have access to information held by the Trust about you. You may also request a copy of any information about you. See our website for more information
- **The right to rectification:** if you think that something is factually incorrect in your records you can ask your health professional to update your records.

If you disagree with a health professional's opinion or are not happy with what has been written about you, please write to the Trust via the PALS Team so that your issues can be investigated and steps taken to have a statement placed on your records. Their address is: Patient Advice and Liaison Service (PALS) Leicestershire Partnership NHS Trust FREEPOST LPT Patient Experience

- **The right to erasure (right to be forgotten):** this right does **not apply** to information held for the provision of direct health care
- **The right to restrict processing:** If you think that there is something factually incorrect with the information we hold about you, you can ask that further sharing of this information is restricted until it is corrected. You can do this by speaking to your health professional
- **The right to data portability:** this right is limited to information that is held in a machine readable format. This does **not apply** to your health records. This right does apply to telephone/video recordings, including CCTV footage, where it exists
- **The right to object:** you have the right to formally write to the Trust to object to the processing of your data. The Trust must review your objection and respond to you to let you know the outcome of our review. In the case of information being processed for direct care purposes it is unlikely that we can stop or otherwise erase such information as we are processing this based on our legal requirement as a public function, which is the provision of health and social care.
- **The right not to be subject to automated processing including profiling:** the Trust does not currently use your personal and/or sensitive (special

category) information to make decisions about you without the intervention of a person, be that a health professional or authorised member of staff.

Further Information

If you require further information, please contact the Trusts Data Privacy Team or Data Protection Officer:

Data Privacy Team
Suite P1, Bridge Park Plaza, Bridge Park Road, Thurmaston, LE4 8BL
Tel: 0116 2294051

If you have any concerns or complaints about the way that we use or handle your information, and you are dissatisfied with any response to concerns or complaints you have made, you can contact the Regulator – The Information Commissioners Office via the following means:

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

Phone: 0303 123 1113.
Website: www.ico.gov.uk .

The Trust reserves the right to make changes to this privacy notice at any time and will advise where these changes are made