



NHS

**Birmingham and Solihull
Mental Health**
NHS Foundation Trust

Young adults and children's privacy notice



What is a privacy notice?

A **privacy notice** or **statement** helps us to explain what information we collect about you, how we store it, how long we keep it, who we share it with and the reasons why we share it.

Why do we collect information about you?

Your records are used to help us give you the best possible care. Records are kept in paper format and electronically and are only looked at on a strict need to know basis. They are used to help staff care for you, by ensuring the following:



- They have the right information on your health to help judge what care you need.
- They can make proper arrangements for your care, for instance to get you further appointments or visits.
- New or different doctors, or other health staff involved in your care, have an up to date picture. This might include your GP, or a specialist in another part of the NHS.
- We can look into what has happened if you are worried about your treatment, or wish to complain.

Your information – how we use it

We use your information as follows, though this is not an exhaustive list:



- To ensure that your treatment is safe and effective.
- To help us make decisions about your care.
- We may use and record information which you make public via social media to help us ensure your care plan is appropriate. We will not access any information which has not been made public.
- To ensure we have good communication with other organisations who may be involved in your care.
- To help us improve the quality and standards of care we provide.
- To ensure we can meet future needs.
- For research and audit purposes.
- In order to train healthcare staff and improve quality.
- To provide statistics on our overall NHS performance.
- To effectively monitor how we utilise public funds.
- To help identify any risk areas in the Trust.
- To help plan services across the Trust.
- To help evaluate local and national NHS and Social Care policies.
- To monitor safety.

Legal stuff

By law, everyone working in the NHS must keep service users' personal information confidential and we have to do this under the following:

- Common law duty of confidence
- General Data Protection Regulations (GDPR)
- Data Protection Act 2018.

Your records can only be seen or changed in any way by authorised staff and staff should not pass on information about you against your wishes or without your consent. However, sometimes we might need to share your information without your consent if we believe that you are at risk or if we believe someone else is at risk and if required to do so by law.

As relying on consent may not always be possible, an alternative lawful basis in data protection exists to allow the Trust to process your information for the performance of a task carried out in the public interest or in the exercise of our official authority.

The Trust also has a responsibility to manage your records appropriately in accordance with the Records Management Code of Practice for Health and Social Care 2016 which sets out the steps that organisations must, should and may take to ensure that confidential information is handled appropriately.



Sharing your information for research and service planning

If you are aged 13 and over, you have a choice about whether you want your confidential service user information to be used to support research and planning. If you are under 13, your parents or guardian will make this choice for you.

You and your parents or guardian has a choice about whether you want your confidential service user information to be used to support research and planning. If you are happy with this use of information you do not need to do anything.

If you do choose to opt out of allowing the sharing of your information for research and planning purposes, your confidential service user 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

Our Trust is also a member of the Clinical Record Interactive Search (CRIS) system. To view the privacy notice for CRIS, please see the Trust's website (**www.bsmhft.nhs.uk**) or contact our Research and Innovation Team for further information (**bsmhft.researchandinnovation@nhs.net**).

Right to access information we hold

Every service user has the right to request access to or copies of, information we hold about them. This is known as a **subject access request** (SAR). The information held may be stored in various formats such as paper records, electronic records including digital imaging, video, photographs, X-ray or by any new or existing medium. Usually everyone can see the information that is kept in their own records.

If you would like to know what is in your records, you have a right to see them under the **Data Protection Act**.

If you would like to access your records, you may do so by submitting a subject access request. Please address your subject access request to:

Information Requests

Birmingham and Solihull Mental Health NHS Foundation Trust
Unit 1, B1, 50 Summer Hill Road
Birmingham
B1 3RB

Or via email to **bsmhft.informationrequests@nhs.net**

(Please note we cannot guarantee the security of information whilst in transit.)

Please note, the Data Protection Act applies only to living persons. However, there are limited rights of access to personal data of deceased persons in accordance with the Access to Health Records Act 1990.

In line with the Data Protection Act, you have the right to receive a copy of the information you request free of charge. However, we reserve the right to charge a 'reasonable fee' when a request is unreasonable or excessive, particularly if it is repetitive.

In some unusual cases, you may be shown only part of your records, or we may even have to refuse your request. This should only happen if we believe that seeing parts of your records could cause you serious harm, cause harm to another person, or if your records would give personal information about someone else.

Amending records

If you think that anything in your record is incorrect, you have the right to have your personal data updated. Please make a request to the Head of Information Governance/Data Protection Officer explaining what you believe to be wrong. This request can be made verbally or in writing and we will respond to your request within one calendar month.



In certain circumstances, we can refuse and this would be because the request is unreasonable or excessive, taking into account whether the request is repetitive in nature. If we do refuse your request, we will provide you the reasons why and inform you within one month of receipt of the request.

Your rights

Data protection legislation provides the following rights for individuals:

1. The right to be informed.
2. The right of access.
3. The right to alteration.
4. The right to deletion.
5. The right to restrict processing.
6. The right to ask for your information to be shared with another organisation in a format of your choice.
7. The right to object.
8. The right to object to a decision being made, or information profiled automatically online.



For more information on individual rights, please consult the Information Commissioner's Office guidance – see details overleaf.

Further information

To learn more about how we use your information, please contact the Trust's Head of Information Governance/Data Protection Officer.

Head of Information Governance/Data Protection Officer
Information Governance Team
Birmingham and Solihull Mental Health NHS Foundation Trust
Unit 1, B1, 50 Summer Hill Road
Birmingham
B1 3RB
Email: bsmhft.informationgovernance@nhs.net

All NHS trusts have to be registered with the Information Commissioner's Office (ICO) and our registration number is: Z7693877

If you would like some more information about the ICO, please take a look at their website or write to them at the address below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Website: ico.org.uk

www.bsmhft.nhs.uk

Main switchboard: 0121 301 0000