



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

Access to your care records

Your records are safe with us



compassionate



inclusive



committed

If you would like any help to understand the information in this leaflet please ask your care team or contact:

Information Requests Team

bsmhft.informationrequests@nhs.net

Data Protection Officer

bsmhft.informationgovernance@nhs.net

Customer Relations Team

Freephone 0800 953 0045

How we use your care records to help you

Your records are used to help us give you the best possible care. Records are kept in paper format and electronically. They are used to help the staff caring for you, by ensuring that:

- 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, or an independent agency such as an advocacy or support organisations
- we can look into what has happened if you are worried about your treatment, or wish to complain.

Keeping your records confidential: It is your legal right to have personal information kept secure and confidential.

By law, everyone working in the NHS must keep service users', carers', or family members' personal information confidential. Changes in data protection law through the Data Protection Act 2018 impose greater obligations on organisations who use and collect personal information.

Your records can only be seen or changed in any way by authorised staff, and they must not pass on information about you without your consent. Though, staff can do this in specific circumstances, for example to protect a patient's life, if it is necessary in the public interest, or the exercise of official authority laid down by law.

Sometimes we do need to share your information with other services, for example, if you are receiving care from social care staff or a partner agency we work with. We may need to share information with them so we can work together for your benefit. Like us, they have a legal duty to keep this information private and confidential.

If you would like us to, we can also pass on information to your relatives, carers or friends to keep them up-to-date with your progress and treatment. Sometimes we have a legal duty to share your information, for example, if:

- someone is held under the Mental Health Act
- someone is subject to the Mental Capacity Act
- a court order is made for information
- information is needed to detect, prevent or prosecute for a serious crime.

Whenever possible we will tell you what information we are passing on.

We are required to send some information to health authorities, to Clinical Commissioning Groups and to the Department of Health to help plan future services. Wherever possible, this is done in ways that do not identify you personally.

Information sent to these organisations is not used to make decisions about your personal care or treatment. An independent committee responsible to the Government's Chief Medical Officer strictly controls any use of this information.

What is the legal basis for us processing your information?

As relying on your consent may not always be possible, we are allowed to process your data if it is necessary for the performance of a task which we need to carry out in the public interest or we need to process the information as part of our official authority as an NHS Trust.

How your records help us

The records can help us get a good overall picture of the treatment we give to look at its quality and to see what changes we need to make. They can help us with vital research into new treatments and forms of care, and train new health staff, although you can choose not to be involved in this training yourself.

Information from your records helps us plan services for the future and to check that public money has been well spent, and that care staff and organisations are paid for the work they do.

If you are worried about certain information being recorded or shared, please tell your doctor, or another member of your care team.

Right to access personal data

Every patient (carer and relative if we hold information about them) has the right to request access to, or copies of, information we hold about them under the Data Protection Act. 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.

If you would like to access your records, you may do so by submitting a Subject Access Request (SAR). Please address your SAR to the Information Requests Team.

Please remember to include details of the information you require plus your contact details and something to help us identify you, such as your date of birth, patient number or NHS number if known. An application form can be found on the Trust website (www.bsmhft.nhs.uk) under About Us, Information Rights, Data Protection. If you require assistance in completing the form, please contact our Customer Relations Team on freephone 0800 953 0045.

In accordance with data protection law 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 manifestly unfounded or excessive, particularly if it is repetitive.

We may also charge a reasonable fee to comply with requests for further copies of the same information. Though, we will not charge for all subsequent subject access requests.

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.

Amending records

If you think that anything in your record is incorrect, you have the right to have your personal data rectified if it is inaccurate or incomplete.

Please write to the Information Requests Team explaining what you believe to be incorrect. We do not always have to make corrections, but we will always add a note saying that you think the information is inaccurate.

Above all, or if you have any worries about your records, please talk about it with the team treating you.

Copies of recordings

Some staff working in the community carry safety devices, which when activated allows a call centre to listen to what is happening and, if necessary, call the police. Recordings are only made if staff are threatened or assaulted. You can request a copy any recording made in the same way as any other request for information in your records.

If you would like any further information or make a request to see your records, please contact:

Information Requests Team

Birmingham and Solihull Mental Health NHS Foundation Trust
52 Queensbridge Road
Birmingham
B13 8QY
Email: bsmhft.informationrequests@nhs.net

If you have a complaint about the way your Subject Access Request was handled, please contact:

Data Protection Officer

Birmingham and Solihull Mental Health NHS Foundation Trust
52 Queensbridge Road
Birmingham
B13 8QY
Email: bsmhft.informationgovernance@nhs.net

Other resources

The Information Commissioner's Office

If you feel that the Trust has not properly met your request to see your records under the General Data Protection Regulation (GDPR) or Data Protection Act and you would like more information about your legal rights, you can write to the Information Commissioner's Office.

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow Cheshire

SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

Obtaining care records from your GP

Please note that if you wish to see your care record from your GP surgery, or any other hospital that is not part of our Trust, you will need to contact the surgery or hospital to make your request.

There are other organisations that can help with information regarding your care record:

Care Quality Commission

Telephone: 0300 061 6161

Email: enquiries@cqc.org.uk

Website: www.cqc.org.uk

Department of Health

Telephone: 0207 210 4850

Text phone: 0207 210 5025

Website: www.gov.uk/government/organisations/department-of-health

Trust website

If you have access to the internet, you can find out more about the Trust and our services on our website www.bsmhft.nhs.uk or from Customer Relations Team on 0800 953 0045.

If you have any queries regarding this leaflet then please call Customer Relations on 0800 953 0045.

We can help you access information in other languages or formats. Please ask a member of staff for a copy or contact our Customer Relations Team on 0800 953 0045 or email bsmhft.customerrelations@nhs.net (available Monday to Friday, 8am to 4pm, excluding bank holidays).

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Website: **www.bsmhft.nhs.uk**
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