

## **Privacy Notice – Overseas Visitor Patients and Other Service Users Records**

East Kent Hospitals University NHS Foundation Trust aims to provide you with the highest quality care and where appropriate comply with our obligation to ensure the Trust is paid for services it provides and determine whether you are entitled to free NHS care in accordance with overseas visitor charging regulations. To do this, we must keep records about you and the care we provide for you.

Our records are held on paper and electronically and we have a legal duty to keep these confidential, accurate and available in accordance with data protection laws, the NHS Constitution and common law.

Our staff members undertake annual training to process your information correctly and protect your privacy. We aim to maintain high standards, adopt best practice for our record keeping and regularly check and report on how we are doing. Your information is never collected for direct marketing purposes, and is not sold on to third parties. Your information is not sent outside the United Kingdom or the European Union unless the recipient has the same level of legal responsibility as we do.

Sometimes your care may be provided by members of a care team, which might include people from other organisations such as health; social care; education; or other care organisations. We have a legal duty to share information for your care unless you tell us not to do so. We may also use sub-contractors to process your data. They will be bound by law to maintain your privacy.

When necessary for discharging our obligations to determine whether you are entitled to free NHS care or charging you for it your data may be disclosed to members of external organisations, such as the Home office and Department of Health and Social Care, which may retain and use your data for their own purposes.

Information is held for the periods of time recommended by the [Records Management Code of Practice for Health & Social Care 2016](#).

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

- Establishing your identity;
- Assessing whether you are entitled to free NHS care and to charge you when this is not the case;
- Collecting debts when charges are not met;
- Making sure your care is of a high standard;
- Assessing your condition against a set of risk criteria to ensure you are receiving the best possible care;
- Using statistical information to look after the health and wellbeing of the general population and planning services to meet the needs of the people we serve;
- Preparing statistics on our performance for the Department of Health and other regulatory bodies;



- Helping train staff and support research;
- Supporting the funding of your care;
- Reporting and investigation of complaints, claims and untoward incidents and
- Reporting events to the appropriate authorities when we are required to do so by law.

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 and data protection law says it is appropriate to do so for health and social care treatment of patients, and the management of health or social care systems and services.

If we need to use your personal information for any reason beyond those stated above, we will discuss this with you. You have the right to ask us not to use your information in this way. However, there are exceptions to this which are listed below.

- the public interest is thought to be of greater importance for example:
  - if a serious crime has been committed;
  - if there are risks to the public or our staff or
  - to protect vulnerable children or adults.
- we have a legal duty, for example:
  - registering births;
  - reporting some infectious diseases;
  - reporting wounding by knives or firearms and
  - court orders.
- we need to use the information for medical research without specific consent. In this case we have to ask permission from the Secretary of State for Health. An example is carrying out mass surveys of cancer patients to determine the effectiveness of treatment over a long period.

## Individuals' Rights

Data Protection laws give individuals rights in respect of the personal information that we hold about you. You have the right to:

- be informed why, where and how we use your information;
- ask for access to your information;
- ask for your information to be corrected if it is inaccurate or incomplete;
- ask for your information to be deleted or removed where there is no need for us to continue processing it;
- ask us to restrict the use of your information;
- ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information;
- object to how your information is used and
- challenge any decisions made without human intervention (automated decision making).



Trust Data Protection Officer: Michael Doherty, Tel: 01227 783142,  
 email:ekhuft.dataprotectionofficer@nhs.net Post: IG Manager, Kent & Canterbury Hospital,  
 Ethelbert Road, Canterbury, CT1 3NJ

Should you have any queries on the uses of your information, wish to exercise one or more of your rights or complain about our use of your information please direct your enquiry to our Data Protection Officer – via our website at [www.ekhuft.nhs.uk/patients-and-visitors/](http://www.ekhuft.nhs.uk/patients-and-visitors/) or using the contact details at the foot of this notice.

If you are unhappy with the outcome of your enquiry you can contact the regulator: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF - Telephone: 01625 545700.



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