

Privacy Notice

NNUH: East of England Adult Critical Care Network Data Sharing Endeavours

Reason for this document:

It is part of our data handling culture, as well as a *legal and fairness* requirement of the UK GDPR that we must make this available, so that the individuals whose data may be involved are aware of what is taking place and can exercise as they so wish, their data privacy (to control) related decision making in relation to how their data is handled.

This notice supplements the main privacy notices of the relevant organisations involved.

It underpins and makes transparent the intended *purpose specific* data sharing activities to be undertaken between:

- Norfolk and Norwich University Hospitals Foundation Trust (“NNUH”) – the disclosing data controller organisation
and
- NHS East of England’s Operational Delivery Network, (“ODN”) - Adult Critical Care Network (“EoEACCN”), the recipient organisation, hosted by Northwest Anglia Foundation Trust, (“NWAFT”) as the *recipient data controller organisation*.

Whom to contact for advice and support

1) Controllers contact details/ Data Protection Officer contact details	NNUH – info.gov@nnuh.nhs.uk NWAFT - nwanliaft.dpo@nhs.net EoEACCN - add-tr.eoeccn@nhs.net
--	---

The basis in law that enables and allows for intended the activity to take place

2) Lawful basis for processing	<p>Statutorily, by laws of Parliament:</p> <ul style="list-style-type: none"> • S43 NHS Act 2006: the duty to provision goods and services for the purposes of the health service in England. • s63 NHS Act 2006: the duty to exercise our functions effectively, efficiently and economically. • s72 NHS Act 2006: the duty to cooperate between NHS organisations. <p>UK GDPR Personal Data</p> <ul style="list-style-type: none"> • Article 6, (1)(c): Processing is necessary to satisfy legal obligations, ref., the statutory context above <p>Special Category (Sensitive)Data</p> <ul style="list-style-type: none"> • Article 9, (2)(h): Processing is necessary for the purposes of preventive or occupational medicine, the provision of health or social care or treatment or the management of health or social care systems.
---------------------------------------	--

The elements (why, what, to whom, for how long) of processing involved

<p>3) Purpose of the processing</p>	<p>In support of the work of the ODN in relation to purposes connected to and/or related to NHS Adult Critical Care Service Specifications:</p> <ul style="list-style-type: none"> • Facilitating: <ul style="list-style-type: none"> ○ performance monitoring, ○ clinical benchmarking, and ○ audit activities across the network • Generating analytical outputs and reports for clinical and operational leaders. nursing leads, and the Network Stakeholder Board. • Identifying trends, variation, and improvement opportunities to support equitable, safe, and effective care across all units. • Service planning. • Supporting external reporting. • Teaching and learning purposes.
<p>4) Nature (type) of data to be shared</p>	<ul style="list-style-type: none"> • Pseudonymised data, - data that has had controls applied to it to reduce the identification of relevant individuals
<p>5) Recipient or categories of recipients of the shared data</p>	<ul style="list-style-type: none"> • The EoEACCN Network Team (for oversight, analysis, and reporting) • Mela Solutions, as data processor, under a contract, solely for the purposes of maintaining the data processing platform to be used and supporting secure data pseudonymisation and reporting.
<p>6) Retention period</p>	<ul style="list-style-type: none"> • Records from which the pseudonymised data are sourced from are kept in line with the NHS Records Management Code of Practice (2023), from when the person was last seen): <ul style="list-style-type: none"> ▪ Adult health records for a minimum 8 years • The pseudonymised data for the activity are therefore to be kept for the same duration
<p>Data security</p>	
<p>The approach to keeping data secure</p>	<p>We have put in place measures to protect the security of information. Mela Solutions, the contracted data processor supporting the activity will only process personal information on our instructions and with our agreement, and where they have agreed to treat the information confidentially and to keep it secure.</p> <p>We treat the security of your data very seriously. We have strict security standards, and all our staff and other people who process personal data on our behalf get regular training about how to keep information safe. We have put in place appropriate technical, physical and managerial procedures to safeguard and secure the information we collect about you. In addition, we limit access to those persons who have a business or legal need to do so.</p> <p>We have put in place procedures to deal with any suspected data security breach and will notify you and the regulator of a suspected breach where we are legally required to do so.</p>

Exercise of Data Subject Rights Applicable or Not applicable	
7) Right to access i.e. obtain a copy of relevant information	<p>Applicable – can be requested for:</p> <ul style="list-style-type: none"> Requests for access or correction can be made via the NNUH or NWAFT information governance contacts provided in the Rights to Complain section below.
8) Right to rectification i.e. make corrections to information	<p>Applicable – can be requested for:</p> <ul style="list-style-type: none"> Requests for correction can be made via the NNUH or NWAFT information governance contacts provided in the Rights to Complain section below.
9) The right to restrict processing i.e. right to limit how data is used, if applicable.	<p>Applicable – can be requested for:</p> <ul style="list-style-type: none"> Requests for correction can be made via the NNUH or NWAFT information governance contacts provided in the Rights to Complain section below.
10) The right to data portability i.e. to obtain and re-use their personal data, if applicable.	<p>Not applicable – cannot be requested for:</p> <ul style="list-style-type: none"> in this circumstance as the legal bases for processing the data are neither consent nor for the performance of a contract.
11) The right to erasure i.e. to have personal data erased, if applicable.	<p>Not applicable – cannot be requested for:</p> <ul style="list-style-type: none"> in this circumstance as the data is being processed under UK GDPR Articles 6(1)(c) legal obligation and 9(2)(h) the processing is necessary for medical diagnosis; the provision of health or social care; or for the management of health or social care systems or services.
12) Right to object	<p>Not applicable – cannot be requested for:</p> <ul style="list-style-type: none"> in this circumstance as the lawful basis for processing is legal obligation, (Art. 6(1)(c)), to which individuals do not by law have a right to object to.
13) National Data Opt Out	<p>If you have registered a National Data Opt-out, we won't share any confidential patient information about you with other organisations unless there is an exemption to this, such as where there is a legal requirement or where it is in the public interest to do so, such as helping to manage contagious diseases like coronavirus.</p> <p>For this activity, the National Data Opt Out will not be applied as there is an exemption applicable.</p>
14) Right to Complain	<p>Applicable – can be made:</p> <p>Data subjects have the right to lodge a complaint to the organisation's information governance teams via either of</p> <ul style="list-style-type: none"> Info.gov@nnuh.nhs.uk or nwanliaft.dpo@nhs.net or add-tr.eoeccn@nhs.net <p>They also have the right to complain to the Information Commissioner's Office ("ICO"). The ICO can be contacted via this link:</p> <ul style="list-style-type: none"> https://ico.org.uk/global/contact-us/ or by calling their helpline on 0303 123 1113 (local rate) or 01625 545 745 (national rate).