

Privacy Notice

(Incorporating a Privacy Notice for Candidates – see Appendix 2)

This privacy notice explains what to expect when South West London and St George's Mental Health NHS Trust (SWLSTG) collects and processes your personal information. It describes what information we record about you, how we keep it, how long we keep it for and who we may share your information with and the legal basis for this. It also explains your rights regarding your information and how you can apply to see it.

We aim to provide you with safe and effective healthcare. To do this we have a legal duty to keep records about you, your health and the care we provide you.

How is the confidentiality of your records maintained?

SWLSTG is committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 2018 (DPA 2018) which includes all aspects of the General Data Protection Regulation (GDPR) and is regulated in the UK by the Information's Commissioner's Office. Additionally we abide by the Human Rights Act 1998, the Common Law of Confidentiality and the NHS Code of Confidentiality and Security.

What information do you keep about me?

- We keep personal information, such as your name, address, contact details, date of birth, NHS number and GP to ensure that your health care information is recorded correctly in your health record.
- We keep information about your health problems and the care you have received from us in your health record.
- When you meet a member of your care team, for example for a consultation or therapy session, a record of what you discussed and any decisions made will be added to your healthcare record.

Why do you keep this information?

Accurate and up-to-date information about you is very important so that we can look after you safely. It means that we can assess and meet your needs without asking you the same questions every time we meet you or if you see someone different. Contact details such as landline, mobile and email address are kept to ensure we have all available means of getting hold of you. We may also send you text messages, for example to remind you of forthcoming appointments.

What is your legal basis for processing my information?

Under the Data Protection Act 2018 we rely on the following legal basis to process your health information for your **direct care**:

Chapter 2 (Section 8) - processing is necessary for the performance of a task carried out in the public interest

Chapter 2 (section 11.1) – processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis,

the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or contract with a health professional.

Members of the team caring for you will have access to your information if it is necessary and on a need to know basis.

We have a duty of care to inform your GP/referrer concerning the assessment and care we provided to you.

We may share your information for **direct care** purposes with other professionals in local hospitals, social care teams and GPs who you may see for your health and social care needs.

Health and care staff working in south-west London boroughs for which our Trust provides mental health services – Wandsworth, Kingston, Richmond, Sutton, Merton – now have better access to more accurate information, so they can provide safer, faster and more effective care and support.

We may also share information with one of our team of multi-faith chaplains should you require spiritual guidance.

In some cases, your health records belonging to different organisations have been linked together so that relevant information about you can be safely shared between the staff who need it across South West London – for example:

Who can you share my information with?

Where we share information to protect you and others, for example:

- Safeguarding teams (if a child or vulnerable adult is potentially at risk)
- Multi-Agency Public Protection Arrangements
- Multi-Agency Risk Assessment Conference
- The police and others in an emergency situation

For these purposes we rely on the following legal basis under DPA 2018:

Chapter 2 (Section 8) – processing is necessary to protect the vital interests of a data subject or another person.

Chapter 2 (Section 11) – processing is necessary to protect the vital interest of a data subject or another individual where the data subject is physically or legally incapable of giving consent.

Kingston Care Record

A confidential electronic record of your health and social care maintained by NHS providers in the London Borough of Kingston. This project means that authorised staff looking after you will have the most up-to-date information when they need it. Find out more about the Kingston Care Record: [Kingston care passport DL leaflet v3.indd \(yourhealthcare.org\)](#)

South West London Health & Care Partnership – Connecting Your Care

Also known as the Health Information Exchange (HIE) and London Care Record (LCR)

Connecting Your Care is an initiative to share patient data between healthcare professional in separate NHS organisations for the purpose of direct care. The information shared will be proportionate and on a need-to-know basis only. Sharing partners will be in the catchment area of our Trust and include acute hospitals and GP practices. **(See also Appendix 1).**

Police Liaison Officer (PLO)

The Trust works closely with Police Liaison Officers – serving police officers who provide an invaluable gateway between the police service and our clinical teams. PLOs may work remotely or on site. Your information may be shared if it is necessary to ensure your safety or the safety of others – for example in emergency situations or for safeguarding purposes.

National Fraud Initiative (NFI) 2018/2019

South West London and St Georges Mental Health NHS Trust are required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing, administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

In accordance with our legal obligations as an employer, the Trust is required to share personal information about you with the Cabinet Office to ensure that public money is being spent properly. Specifically, the legal requirement lies within Part 6 of the Local Audit and Accountability Act 2014.

Further information can be found by following the links:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723586/Final-Payroll-Data-Spec-18-19.pdf - what information is being shared

and <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative> - how the Cabinet Office will process the data

We may share your information with a number of third parties who we commission to process data for us, for example:

- To send large mailings of letters/surveys etc. to service users and Trust members
- For the maintenance and technical support of our information systems
- For the purpose of translation, interpreters and sign language
- Recording phone calls for monitoring purposes

We are required to have Data Processing Agreements in place with these organisations.

For other purposes the Trust will only share your information with another organisation with your consent. The Trust will seek to ensure your personal data is always used appropriately, fairly and lawfully.

National Data Opt-Out (NDOO) Programme

This programme was introduced in May 2018 and implementation became mandatory on 31st July 2022. The programme enables NHS patients to opt out from the use of their personal data for secondary usage – i.e. anything other than their individual care and treatment. This would include use for research and planning. You can choose to opt out via the programme's website - <https://your-data-matters.service.nhs.uk> - or phoning 0300 3035678.

(NB – you cannot opt out via your GP or via our Trust – only via the above contacts.)

In practice this does not make a big difference in terms of how your personal data held by this Trust is used. If we wished to use your identifiable data for research or planning we would always ask for your consent or anonymise the details – and the national opt-out would not apply.

As well as consent and anonymising records, there are other circumstances under which the NPOO does not apply:

1. Communicable diseases and risks to the public
2. Overriding public interest
3. Information required by law or court order

For example, the National Confidential Enquiry into Suicide and Safety in Mental Health (NCISH) is exempt due to the overriding public interest associated with its research.

For more information about NDOO please see:

[Opt out of sharing your health records - NHS \(www.nhs.uk\)](https://www.nhs.uk)

What if I am ill and my friends or family want to see my records?

- If you are in hospital, we will pass on very basic information to friends or family with legitimate concerns unless you ask us not to.
- If you give us permission to share information about your health and treatment with a friend or family member, we are happy to do so.

Who else can see my records?

- Staff involved with your care and treatment, may see your records.
- All our staff abide by a strict code of conduct on confidentiality and follow our policies and procedures regarding security and confidentiality. These are part of their terms and conditions of employment.

What if my information needs to be shared overseas?

If your information is required to be transferred overseas, for example if you moved abroad and requested a copy of your medical records to be sent to you, we will ensure adequate data protection is in place to safeguard and protect your information in transit and we will discuss this with you to ensure that you are satisfied with these arrangements.

How are my healthcare records stored?

We have computer systems that store your healthcare records. We can also scan paper letters and reports into this system, so that all your information is available to the staff who work with you to give you the best care possible. All our systems are based in the UK and your information is protected to ensure that only authorised people can access it from secure computers.

How long do you keep my healthcare records for?

We are required by the Department of Health to keep your records for a certain amount of time after you have finished receiving care from us. This amount of time depends upon the type of care you have received from us and helps us continue your care if you need to use our services again in the future. The retention periods are set out in this document:

<https://digital.nhs.uk/binaries/content/assets/legacy/pdf/n/b/records-management-cop-hsc-2016.pdf>

Can I see the information you keep about me?

You are entitled by law to see the information we hold about you – Ch.3 (Section 45) of the DPA 2018 applies. This is called a 'right of subject access'. You are allowed to see any records we hold about you. However, we may remove some information if it is not your personal information. For example:

- Information provided by someone else we cannot disclose without their permission.
- Information that is likely to cause serious harm to you or other people.
- It would be against the law to disclose information, such as during legal proceedings.

How can I apply to see my information?

- If you would like to see or request a copy of your records, please contact the Information Services Team at the address below.

Will I have to pay to see my records?

We will not charge you to see your records. However, we may charge a reasonable administration fee if your request is very large, complex or repeated.

How long will it take before I receive my records?

- We will provide your records as quickly as possible and it should take no longer than **1 month** from when we receive your written request.
- For very large or complex requests we may extend this period by a further **2 months**.

- We will provide your information to you in an electronic format.
- We will only release your records if we are sure that you are the applicant or that you have given permission to someone else to access your records on your behalf, such as a relative or solicitor.

What if I am not satisfied with my application to see my records?

We want you to be satisfied with the way we look after your healthcare records. If you are not satisfied, speak to a member of your care team or team manager. If you cannot resolve your concerns in this way or would like to take the matter further, please contact:

Patient Experience Manager (Complaints)

South West London and St George's Mental Health NHS Trust
Tolworth Hospital
Red Lion Road
Surbiton, Surrey
KT6 7QU

Tel: 020 3513 5520 Email: complaintsmanager@swlstg.nhs.uk

If you are not satisfied with the outcome of your complaint you may contact:

The Information Commissioners Office on 0303 123 1113 or via email

<https://ico.org.uk/global/contact-us/email/>

or by writing to:

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

What are my rights regarding my personal information?

Unless an exemption applies under the Data Protection Act 2018, you have the following rights:-

- To be informed about the collection and use of your personal data;
- The right to request a copy of the personal information we hold about you;
- The right to request that we correct your personal information if it is found to be inaccurate or out of date (speak to your health professional regarding any inaccuracies);
- Your right to withdraw your consent to the processing of your information (but only if your consent was relied upon as the legal basis for processing your information);
- The right to request that we provide you with your personal information and where possible, to transmit that data directly to other another organisation for you. This is known as the right to data portability, but it only applies if the legal basis for processing is based on us requiring your consent or where it is necessary for the performance of a contract with you, and we have processed the data by automated means.
- Where there is a dispute in relation to the accuracy or processing of your personal information you have the right to request that a restriction is placed on further processing unless we have legitimate grounds to override this.
- The right to object to the processing of personal data for the purposes of scientific/historical research and data analysis/statistics (see below - Using your information to improve our services)
- The right to lodge a complaint with the Information Commissioners Office.
- Your right to request that your personal data is erased does not apply to health records as we have a legal obligation to hold them.
- The right to object to any automated decision-making also known as profiling i.e. making a decision solely by automated means without any human involvement.

Communicating with you

If you provide us with your mobile telephone number we will send you appointment reminders unless you tell us not to.

If you provide us with your email address we will communicate with you by email unless you tell us not to.

Please ensure that you inform us if you change your mobile telephone number or email address so that you do not miss important communications from us.

Do not provide an email address that you share with others as this may compromise your confidentiality.

Please remember to let us know if your contact details change at any time. This could be a change of name, address, or contact telephone number.

Using your information to improve our services

We use information held within your records to help improve the services that we provide. We do this by collecting information from the records of groups of patients who have similar conditions or have received similar treatments, and comparing this with what we know are the best standards of care. This helps us to identify areas where we need to make improvements.

This process of checking care records against best practice is known as clinical audit. It is carried out by the staff who have provided you with care, or by support staff who work closely with them. They will only collect your personal identifiable information (e.g. your name, or date of birth, or postcode) to ensure they are collecting the correct information. However, any information that can identify you as an individual is removed from the clinical audit as soon as it is possible to do so in order to anonymise the information. Records of clinical audit are protected by NHS security measures and destroyed after five years.

If you would like to find out more about clinical audit, the use of information in improving healthcare, or how patients and the public can be involved in healthcare improvement, please visit the Healthcare Quality Improvement Partnership website: www.hqip.org.uk

We may at times contact you to invite you to take part in surveys with a view to helping us improve our services. Your participation is entirely voluntary and unless with your specific consent, the survey will be anonymous.

Information on the NHS Patient Survey Programme can be found at www.nhssurveys.org/

Monitoring in Seclusion Rooms

In order to ensure the safety of inpatient in wards, the Trust employs a system provided by Oxehealth in its seclusion rooms using video cameras to monitor health and activity. The data collected is stored on a secure server on Trust premises. Almost all the data collected is anonymised and non-identifiable. The only exception to this is short extracts of salient video data necessary to ensure the effectiveness of the system and to improve functionality.

For these purposes we rely on the following legal basis under DPA 2018:

Chapter 2 (Section 8) – processing is necessary to protect the vital interests of a data subject or another person. (Vital interests = potentially life threatening situations)

Mental Health Community Survey

In order to improve the quality of service we provide to service users, the Trust commissions an annual Mental Health Community Survey from a company called Quality Health. We provide them with contact details in order to send out survey questionnaires on our behalf.

Family and Friends Test (FFT)

FFT is a short survey tool used by the NHS that provides the public, patients and staff with the opportunity to provide feedback on their experience of NHS services. We may contact you and invite you to participate in FFT and to provide feedback from which we can identify what is working well, what can be improved and how. Your involvement is voluntary and feedback is anonymous, so no personal information will be stored as a result. We may employ a third party supplier to process FFT data on our behalf, and if so a contract will be put in place to ensure a legal basis exists to satisfy any requirements of the Data Protection Act 2018.

Healthwatch

Healthwatch are local health and social care champions funded by the Department of Health and Social Care (DHSC) who monitor patient / service user experiences when using GPs, hospital and other NHS services. As an independent statutory body, they have the power to make sure NHS leaders listen to patients' feedback and improve standards of care. In 2022 they helped nearly a million people to have a say and get information and advice.

We may share contact details only (nothing else) with your local Healthwatch so they can invite you to provide valuable feedback in the form of questionnaires. If you prefer not to participate they will not contact you again. [Home | Healthwatch](#)

National Record Locator (NRL)

The Trust may share your information as part of NHS Digital's NRL initiative. The NRL provides a mechanism for sharing information across health and social care organisations by identifying the existence and location of records. It allows organisations to create a 'pointer' to identify a patient record which can then be retrieved via an API and/or using contact details to requires information about the records. For its initial use, the NRL is intended for the sharing of mental health crisis plans with Ambulance and 111 services. Subsequent updates to the service will support the sharing of additional types of records.

The legal basis for the processing of care plans is for the delivery of health and care in the exercise of the official authority of the Controllers party to the agreement. Consent is given under Article 6(1)(a) for the creation of the care plan and the processing is for the Article 6(1)(e) and Article 9(2)(a)(h) for the processing for the purposes of health and care.

AKRIVIA (formerly CRIS)

The trust may share clinical data with AKRIVIA HEALTH - [About - Akrivia Health](#) – who manage an innovative system which securely collects routine health data from the Trust's electronic record system, in a de-identified format. This is used for research; clinical audit and service evaluation projects. Staff internal and external to the Trust can access AKRIVIA to collect the de-identified data. All projects are reviewed and approved by the AKRIVIA Lead within the Trust and advice taken from the Data Protection Officer if required. Should staff wish to "re-identify" data, then this will only be approved with the explicit consent of the individual patient or another legal basis.

For more information on how data within AKRIVIA is kept secure, please refer to the AKRIVIA website: [Information Governance - Akrivia Health](#) . If you wish to opt-out from your de-identified data being used, please contact researchdevelopment@swlstg.nhs.uk with the subject heading

'AKRIVIA opt-out'. If you have chosen to withdraw your data via the National Data Opt-out service, your records will not be uploaded to AKRIVIA. For more information about the National Data Opt-out please visit their website [National data opt-out - NHS Digital](#)

South London Mental Health Community Partnership (SLP)

We are part of a unique partnership of three South London mental health trusts, bringing together clinical expertise, experience and innovation to benefit patients. Colleagues from Oxleas NHS Foundation Trust, South London and Maudsley NHS Foundation Trust, and South West London and St George's Mental Health NHS Trust collaborate where we can improve quality, use resources most effectively – and provide better care, experience and outcomes for patients and staff – by working together.

Working collaboratively and at scale across South London's 3.6 million+ population means we can transform outcomes for people with specialist, sometimes complex, mental health conditions. We aim to be transformational in developing new ways of working; implement consistent best practice clinical pathways; and commission the right services to meet local population health needs.

Our Trusts' clinicians, operational and corporate services teams; local, regional and national partners; and patients come together to co-design evidence-based approaches that deliver better care, closer to home for our communities. We aim to maximise value for the NHS, enabling reinvestment in enhanced and new specialist local and South London-wide services.

Major specialist areas of work where the three Trusts collaborate include:

- Forensic (Adult Secure) Provider Collaborative
- CAMHS (Tier 4) Provider Collaborative
- Adult Eating Disorders Provider Collaborative
- Nursing Development Programme
- Complex Care Programme

Sharing of health and other special category data may be shared between the organisations if justified and necessary for the direct care of individuals

We also have a corporate services programme in which non-clinical services are shared between the organisations without consent. The legal basis for doing so is provided within the Health & Social Care (Safety & Quality) Act 2015.

How the NHS and care services use your information

SWLSTG is one of many organisations working in the health and care system to improve care for patients and the public.

When you use a health or care service important information about you is collected to help ensure you get the best possible care and treatment. The information collected about you when you use these services can also be provided to other approved organisations, where there is a legal basis, to help with planning services, improving care provided, research into developing new treatments and preventing illness. All of these help to provide better health and care for you, your family and future generations. Confidential personal information about your health and care is only used in this way where allowed by law and would never be used for insurance or marketing purposes without your explicit consent.

You have a choice about whether you want your confidential patient information to be used in this way.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, visit www.nhs.uk/my-data-choice. If you do choose to opt out you can still consent to your data being used for specific purposes.

If you are happy with this use of information you do not need to do anything. You can change your choice at any time.

If you have any queries relating to this privacy notice please contact the:

Information Governance Manager

South West London and St. George's Mental Health NHS Trust
Information Services
Woodroffe House
Tolworth Hospital
Red Lion Road
Surbiton, Surrey
KT6 7QU

Tel: 020 3513 6184

Email: John.Hughes@swlstg.nhs.uk

Data Protection Officer

The Information Governance Manager is also the Trust's Data Protection Officer (DPO) as defined in the GDPR and DPA 2018.

Phoning our Trust

When you phone our main switchboard (our Contact Centre) on 020 3513 5000, your call may be recorded for training and monitoring purposes. Once you have been transferred from the Contact Centre, calls will not be recorded.

If you would like to find out more about your rights under the Data Protection Act 2018, please visit the Information Commissioners Office website: www.ico.org.uk/for-the-public/

COVID-19

During the COVID-19 pandemic, special measures were implemented by the Secretary of State to ensure appropriate and lawful sharing of relevant personal data between health and social care professionals in a public health emergency - Regulation 3(4) of the Health Service Control of Patient Information (COPI) Regulations 2002. Any information used or shared during the COVID-19 outbreak was limited to the period of the outbreak. As it progressed, these COPI regulations were extended numerous times and eventually ceased on 30th June 2022.

After 30th June 2022, data collected and held for this specific purpose may continue to be processed if there is another legal basis to use the data. Otherwise the data will be deleted or otherwise destroyed. The Trust will engage with this decision making as appropriate.

If you have any queries relating to this privacy notice please contact the:

Information Governance Manager

South West London and St. George's Mental Health NHS Trust
Information Services
Woodroffe House
Tolworth Hospital
Red Lion Road
Surbiton, Surrey
KT6 7QU

Tel: 020 3513 6184

Email: John.Hughes@swlstg.nhs.uk

Data Protection Officer

The Information Governance Manager is also the Trust's Data Protection Officer (DPO) as defined in the GDPR and DPA 2018.

We may amend this privacy notice at any time so please review it frequently.

APPENDIX 1

CONNECTING YOUR CARE (CyC) / Health Information Exchange (HIE)

Now referred to as the London Care Record (LCR) - February 2023

For the purpose of sharing data for Connecting Your Care (CyC) – August 202

Privacy Notice – Direct Care

Plain English explanation

This privacy notice explains why health and care social organisations share information about you and how that information may be used in the Connecting your Care programme.

You can find out more about Connecting your Care in South West London on our website: www.swlondon.nhs.uk/connectingyourcare, where you will also find the answers to some [Frequently Asked Questions](#)

The health and social care professionals who look after you keep local health and care records that contain details of any treatment or care you have received previously or are receiving from them.

NHS patient health and care records may be electronic, on paper or a mixture of both, and a combination of working practices and technology ensure your information is kept confidential and secure.

Each of the Organisations that provide you with care or services hold information about you in different systems. Connecting your Care introduces a new system that allows Organisation to share important information about you via a secure, electronic summary view. This allows the people looking after you to see important information about you from each of the services that you use, so that they can quickly assess you and make the best decision or plans about your care.

Only the people looking after you directly (“for direct care purposes”) can see the information shared about you.

The information that health and social care providers may share about you might include the following information:

- Details about you, such as address, contact details and next of kin
- Any contact the health or care provider has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes/reports and assessments about your health and care
- Details about your planned treatment and care
- Results of investigations, such as blood tests, scans, x-rays, etc.
- Relevant information from other health and care professionals, relatives or those who care for you
- Care and support you may be receiving from social care services .
- Urgent care and NHS 111 visits/calls
- London Ambulance Service calls

We are required by law to provide you with the information in the following 9 subsections. We have also set out a list of definitions below.

1) Controller contact details	South West London & St. George's NHS Mental Health NHS Trust
2) Data Protection Officer contact details	John Hughes – information Governance Manager / Data Protection Officer. Email: John.Hughes@swlstg.nhs.uk
3) Purpose of the processing	<p>Information will be shared in order to facilitate “direct care” that is delivered to the individual – that is, where a health or care Organisation has direct contact with a patient or service user in order to provide them with immediate care, treatment or services. Direct Patient Care is defined by the Caldicott Review in 2013 as a clinical, social or public health activity concerned with the prevention, investigation and treatment of illness and the alleviation of suffering of individuals. It includes supporting individuals' ability to function and improve their participation in life and society. It includes the assurance of safe and high quality care and treatment through local audit, the management of untoward or adverse incidents, person satisfaction including measurement of outcomes undertaken by one or more registered and regulated health or social care professionals and their team with whom the individual has a legitimate relationship for their care.</p>
4) Lawful basis for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this organisation, and in support of direct care elsewhere, is supported under the following Article 6 and 9 conditions of the: Data Protection Act 2018/General Data Protection Regulation 2016:</p> <p style="text-align: center;"><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p style="text-align: center;"><i>Article 9(2)(h) ‘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...’</i></p> <p>Health and social care services have a legal obligation to share information about you from their records if it is seen to be in your best interests for the purposes of direct care.</p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality” *</p>
5) The Sources of the Data and the Recipient or	Data sources:

<p>categories of recipients of the processed data</p>	<p>Information is shared between all the health and care Organisations that are part of the Connecting your Care programme. For the full list of organisations please see our website [insert link].</p> <p>Categories of recipients</p> <p>Only health and social care professionals in each of the defined organisations who are providing you directly with care or services can see your information.</p> <p>This Privacy Notice will be reviewed and updated annually, as required, or in the event of significant change.</p>
<p>7) Rights to object</p>	<p>You have the right to object to some or all the information being processed under Article 21 GDPR. Please contact the Data Protection Officer at your care provider for more information.</p> <p>You should be aware that this is a right to raise an objection, which will be considered on an individual basis for each request. This is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<p>8) Right to access and correct</p>	<p>You have the right to see the data that is being shared about you. This is known as 'the right of subject access'. You can make a request for this information from a provider.</p> <p>If your health or care provider holds information about you, and you make a subject access request they will:</p> <ul style="list-style-type: none"> • Give you a description of it • Tell you why it is being held • Tell you who it could be shared with • Let you have a copy of the information in an intelligible form. <p>If you would like to make a 'subject access request', you will need to contact your health or care provider's Data Protection Officer in writing. Contact details for the DPO for each Organisation is at the top of this Privacy Notice.</p> <p>There is no right to have accurate medical records deleted except when ordered by a Court of Law.</p>
<p>8) Retention period</p>	<p>The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016.</p>
<p>9) Right to Complain.</p>	<p>You have the right to complain regarding the use and sharing of your data, if you think the information has been shared inappropriately. Each provider will have their own complaints process and you will need to contact them directly. Information as to how to make a complaint can be found on the Organisation's web page.</p>

	<p>You can also contact the Information Commissioner's Office via the following link https://ico.org.uk/global/contact-us/</p> <p>or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).</p>
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* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or 'case' law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information

Appendix 2

CANDIDATE PRIVACY NOTICE

Privacy notice for candidates applying to join the Trust

WHO WE ARE AND WHAT WE DO

We are the Human Resources Division of South West London and St George's Mental Health NHS Trust (SWLSTG). When you apply to work for us, we need certain information in order to progress your application and fulfil our obligations as an NHS employer. This privacy notice describes what information we record about you and why, and how it may be used.

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Once we hold your information, SWLSTG are its "data controller". This means we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this candidate privacy notice because you are applying for work with us (whether as an employee, worker or contractor). As the "data controller", we have a duty under the Data Protection Act (DPA) 2018 to make you aware of how and why your personal data will be used, namely for the purpose of the recruitment exercise, and how long it will usually be retained for. It also clarifies the legal basis for holding your information, your rights regarding your information and how you can apply to see it.

DATA PROTECTION PRINCIPLES

We will comply with data protection law and principles which means that your data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and only used in ways that are incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:

- Information you have provided to us in any curriculum vitae and cover letter;
- Information you have provided on our application form, including name, title; address, telephone number, personal email address, date of birth, gender, employment history, qualifications, professional registration, information about your current level of remuneration, including benefit entitlements; information about your entitlement to work in the UK;
- Information you provide to us via identity documents provided or during an interview, online test or other forms of assessment relevant to the recruitment process;
- Information provided by way background and reference checks where applicable

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation, political opinions, and disability;
- Information about your health and sickness record, including any medical conditions.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about candidates from the following sources:

- You, the candidate;
- Recruitment agencies;
- Disclosure and Barring Service in respect of criminal convictions (please see below);
- Your named referees, from whom we collect personal data relevant to you.

SWLSTG will seek information from third parties either before or after a job offer has been made and in all instances the organisation will inform you that it is doing so.

HOW WE WILL USE INFORMATION ABOUT YOU

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the work OR role;
- Decide whether to invite you for an interview;
- Decide whether to offer you the role or work;
- Carry out background and reference checks, where applicable;
- Communicate with you about the recruitment process;
- Keep records related to our hiring processes;
- Comply with legal or regulatory requirements.

As an NHS Trust, SWLSTG is legally obliged to manage the recruitment process, decide whether to appoint you to the role OR work since it would be beneficial to SWLSTG to appoint someone to that role OR work in order to carry out its functions.

We also need to process your personal information to decide whether to enter into a contract (of employment) with you.

If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with the relevant details, we will not be able to take your application further.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

We will use your particularly sensitive personal information in the following ways:

- We will use information about your race or national or ethnic origin, religious philosophical or moral beliefs or sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting, which is also necessary for compliance with a legal obligation to which we are subject as well as being an important aspect of our role as a public body. The Equality Act 2010 is the main relevant statutory provision in this context;
- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview or other assessments relevant to the recruitment process. This is necessary for compliance with our legal obligations.

INFORMATION ABOUT CRIMINAL CONVICTIONS

For some roles, SWLSTG is obliged to seek information about criminal convictions and offences. Where the organisation seeks this information, it does so because it is necessary for compliance with obligations and to exercise specific rights in relation to your potential employment.

We will collect information about your criminal convictions history if we would like to offer you work OR role (conditional on checks and any other conditions, such as references, being satisfactory). We are required and/or entitled to carry out a criminal records check in order in order to satisfy ourselves that there's nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- Where we are legally required by a regulatory body to carry out a criminal record checks for those carrying out the role OR work you have applied for;
- Where the role you have applied for is one which is listed on the rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) and is also specified in the Police Act 1997 (Criminal Records) Regulations (SI 2002/233)] so eligible for a standard OR enhanced check from the Disclosure and Baring Service;
- The role, which you have applied for requires a high degree of trust and integrity since it may involve dealing with vulnerable people or high value resources on behalf of the organisation and so we would like to ask you to seek a basic disclosure of your criminal records history.

For further information about how we deal with information about criminal convictions please contact RecruitmentTeam@swlstg.nhs.uk

WHO HAS ACCESS TO DATA?

Your information will be stored in a range of secure places including your application record, HR management and recruitment systems and other IT systems including email. Your information will be shared internally and is accessible to a third party provider for the purposes of recruitment. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles, including the third party provider.

Why might you share my personal information with third parties?

The organisation shares your data with a third party provider, at the point of your application being submitted. At the point that employment is successful and it makes you an offer of employment, the organisation will then share your data with current and former employers /other referees to obtain references for you, employment background checks providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

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AUTOMATED DECISION MAKING

Rarely, some of our recruitment and employment decisions are based solely on automated decision-making. In these instances, Automatic decision making applies to part of our job application process for the roles, usually where an essential criterion must be met in order to be considered for the role. This can include pre-application questions and assessments. Should the requirements for the role applied for not be met in such instances, the applicant will be rejected. You will not be subjected to decisions that will have significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so. You will also be given an opportunity to request reconsideration of the decision. For further information about the limited ways we employ automated decision making, please contact RecruitmentTeam@swlstg.nhs.uk

DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our Data Protection Officer – John.Hughes@swlstg.nhs.uk or phone: 020 3513 6184.

We have put in place procedures to deal with suspected data security breaches and will notify you and the regulator of a suspected breach where we are legally required to do so.

DATA RETENTION

How long will you use my information for?

If your application for employment is unsuccessful, the organisation will hold your data on file for a period of up to twelve months after the end of the relevant recruitment process. We retain your personal information for a period so we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. At the end of that period, your data is deleted or destroyed in accordance with data retention policy.

If your application to work for us is successful, personal data gathered during the recruitment process will be transferred to your HR/personnel file and retained during your employment. The periods for which your data will be held, including after you have stopped working for SWLSTG, will be provided to you in a separate privacy notice for employees, workers and contractors.

YOUR RIGHTS TO CONNECTION WITH PERSONAL INFORMATION

Under certain circumstances, by law you have the right to:

- **Request** access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you.
- **Request erasure** of your personal information. This enables you to ask us to delete or

remove personal information where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you would like to exercise any of these rights, please contact the Data Protection Officer – John.Hughes@swlstg.nhs.uk or phone: 020 3513 6184.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner's Office (ICO), the UK Supervisory Body for data protection issues – www.ico.org.uk

RIGHT TO WITHDRAW CONSENT

When you applied for this role, you provided consent by completing an application form to us processing information for the purpose of the recruitment exercise. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact RecruitmentTeam@swlstg.nhs.uk

Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

DATA PROTECTION OFFICER

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO – John.Hughes@swlstg.nhs.uk or phone: 020 3513 6184. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

We may amend this privacy notice at any time so please review it frequently.