

Privacy Notice (under review)

Northern Ireland Electronic Care Record (NIECR)

What is the Northern Ireland Electronic Care Record (“NIECR”)?

The Northern Ireland Electronic Care Record (“NIECR”) is a computer system which has been in operation since 2013 which allows Health and Social Care (“HSC”) professionals such as doctors, nurses and social workers, as well as certain authorised HSC administrative staff, to input and access important information about their patients’ medical and social care history. The NIECR contains information from hospitals and clinics throughout Northern Ireland.

The data controller for the administration of the NIECR system is;

Business Services Organisation
2 Franklin Street
Belfast BT2 8DQ

The BSO Data Protection Officer can be contacted at the above address or at dpo.bso@hscni.net.

The NIECR system is managed and administered by the NIECR Project Team, part of the BSO eHealth service. They can be contacted at NIECRPrivacyOfficer@hscni.net.

A number of HSC organisations and care providers (including HSC Trusts and GP practices) who process information on NIECR as part of the provision of care are signatories to a Data Sharing Agreement and are deemed to be Joint Data Controllers alongside the Business Services Organisation. For more information on this please contact the BSO Data Protection Officer at dpo.bso@hscni.net. or the NIECR Project Team at NIECRPrivacyOfficer@hscni.net.

Your information – how we collect it

The NIECR system only contains information that is needed as to provide care and support within the HSC NI. This will include your name, address, date of birth, contact details and relevant health and social care history.

Information you provide to us is frequently recorded electronically and processed in your NIECR computer file. This can include information you provide in person, on an official form (either online or in paper form) or by telephone. Your record may also contain information about you obtained from other people, for example, your family, carers, other health professionals, or if necessary, other external agencies.

Your information – how we use it

The information that is stored in your NIECR record includes:

- Personal data such as your address and date of birth;
- Medicines;
- Allergies;
- Illnesses (e.g. diabetes, heart conditions etc.);
- Treatments you are receiving; and
- Laboratory and radiology results.

In order to provide you with safe and effective health and/or social care services, your NIECR record may need to be shared with authorised HSC individuals who are directly involved in your health and social care. When required, authorised HSC staff access the information displayed within the NIECR system. The information available to these authorised individuals may include blood tests, radiology reports, diagnoses and treatment that is recorded across the region in order to ensure continuity of care. We will ensure that all access to your NIECR records is in accordance with the General Data Protection Regulation (“**GDPR**”) and the Data Protection Act 2018 (“**DPA**”). Please see section ‘*The laws governing the processing and protection of your personal information*’ for the relevant legislation links.

All HSC staff are obliged, within their contracts of employment, within their professional Codes of Conduct (as applicable) and by the common law duty of confidentiality to ensure that all personal information contained within the NIECR is treated with the highest possible levels of confidentiality. HSC staff are obliged to adhere to their contractual obligations and to the common law duty of confidentiality. Please see further section ‘*The laws governing the processing and protection of your personal information*’ for further information regarding the statutory data protection requirements with which HSCNI must comply.

Please refer to section ‘*Sharing information about you and your care*’ for more detail. Patient information that is collected and displayed in NIECR is respected and we have security measures in place to protect it.

Why we process your health information

We use your NIECR record to:

- Guide – it helps us assess your needs and make decisions with you;
- Record – it helps to document the care you receive - referrals, appointments and services;

- Review and support carers – if you care for someone, it may be necessary to review your NIECR information to assess additional support for you or the people you care for;
- Give us up-to-date information - helping us to provide better care;
- Provide faster care – sharing information on NIECR means we can help you quicker;
- Improve Services - we do on occasions safely share data in a way that does not identify the individual patient. This is called anonymised information and can be used for planning, research and audit purposes – this helps us make best use of resources, supporting prevention of ill health and improving treatment. We anonymise your information prior to sharing;
- Train and educate staff – we review our patient care to ensure good practice across the services we offer you and your family;
- Review deaths - multidisciplinary mortality reviews; deaths that occur in HSC Trusts are subject to review. This includes the multidisciplinary team providing the direct patient care reviewing the treatment and care provided and acting upon any learning lessons identified. This improves the quality of care for patients as well as patient safety.

The laws governing the processing and protection of your personal information

Processing

‘Processing’ is any operation performed on personal data and includes collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, disclosure, dissemination, restriction, erasure or destruction. As such, if HSC staff access your NIECR records, this amounts to ‘processing’ for the purposes of the GDPR and DPA. Such ‘processing’ must comply with the GDPR and DPA.

Legal Basis for Processing

The legal basis for the majority of our processing of personal data via the NIECR is that such processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller*” (GDPR Article 6(1)(e)). As per Section 8 DPA, this includes processing which is necessary for “*the exercise of a function conferred on a person by an enactment or rule of law*” or “*the exercise of a function of the Crown, a Minister of the Crown or a government department.*” Permitting access to the NIECR is part of the Department of Health NI and the Regional Business Services Organisation (“**BSO**”) (the HSCNI entity which administers the NIECR) fulfilling their statutory functions in supporting the wider HSC as set out in the Health and Social Care (Reform) Act (NI) 2009 (as amended).

Where we have a specific legal obligation that requires the processing of personal data, the legal basis is “*processing is necessary for compliance with a legal obligation to which the controller is subject*” (GDPR Article 6(1)(c)).

Lawful Processing Condition

As accessing the NIECR involves processing personal data concerning health we must also meet an additional condition in the GDPR. Article 9 (1) of the GDPR general prohibits the processing data concerning health. As such, any processing of data concerning health (e.g. personal data as held on the NIECR) must fall within one of the exemptions to the Article 9(1) prohibition. GDPR Article 9 (2) (h) states that the general prohibition on processing data concerning health shall not apply if such “*processing is necessary for the purposes of preventive or occupational medicine, ... medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law.*” Such processing must be “*processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.*”

This is further defined and detailed in DPA Section 10 and DPA Schedule 1 Part 1.

We are also obliged to comply with the following law and professional guidance:

- **Health and Social Care (Reform) Act (Northern Ireland) 2009**
- **Department of Health Code of Practice on Protecting the Confidentiality of Service User Information**
<https://www.health-ni.gov.uk/sites/default/files/publications/health/user-info-code2019.pdf>
- **GMC guidance on patient confidentiality**
<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/confidentiality/using-and-disclosing-patient-information-for-direct-care>

Right to Object

Article 21 of the GDPR gives individuals the right to object to the processing of their personal data at any time. In the case of data being processed within the NIECR system this right to object is not absolute. An individual must give specific reasons why they are objecting to the processing of their data. These reasons should be based upon their particular situation.

If you require more information on this please contact the BSO Data Protection Officer at dpo.bso@hscni.net. or the NIECR Project Team at NIECRPrivacyOfficer@hscni.net

Right to Rectification

If you feel that anything contained within your NIECR record is inaccurate then under Article 16 of the GDPR you have the right to have inaccurate personal data rectified.

If you have a concern about an inaccurate record then please contact your care provider, the BSO Data Protection Officer at dpo.bso@hscni.net. or the NIECR Project Team at NIECRPrivacyOfficer@hscni.net

Storing Your Information

Patients' information is currently stored in line with Department of Health Good Management Good Records Guidelines Disposal Schedule. The precise retention period for any particular type of record will vary depending on the nature of the information

Please see the following links to the retention and disposal schedules:

<https://www.health-ni.gov.uk/articles/disposal-schedule-section-g-part-1>

<https://www.health-ni.gov.uk/articles/disposal-schedule-section-g-part-2>

In some instances individuals have the right to ask for their personal information to be erased (the right to erasure). However the right to erasure does not generally apply for information held within the NIECR system. Article 17(3)(c) of GDPR states that the right to erasure “*shall not apply for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3).*”

How your information is used to help you

Storing data on the NIECR system means:

- your information is kept accurate and up to date;
- your information is available when you need to attend another hospital in an emergency which may prevent repeat tests;
- decisions on the medical priorities for referrals quicker and assign urgent appointments can be made faster;
- information can be provided to your family if this is appropriate; and
- the best possible care is provided and you receive the right treatment.

How your information is used to help us

Your information is used by HSC staff to have your summary details on screen quickly and to easily access your patient record when needed. This enables HSC staff to view services you have received, tests you have had carried out and appointments you have attended.

Your information is used for processing and reporting on behalf of the Health Trusts. This can help us to assess how we can deliver better services to our patients.

Sharing information about you and your care

Your NIECR record will be shared, if required, with professionals in:

- Family practitioner services incl. general practice
- Acute services in hospital
- Outpatient services in hospital
- Community services such as Social Care
- Community based optometry

This will include people such as:

- GPs
- Doctors
- Nurses
- Social workers
- Optometrists
- Pharmacists
- Clinical Administration

Access is based on role type so the NIECR information available to each of these users will depend on their access level. Safeguards are in place to enable staff to access summary information about a patient only when it is relevant to their job and appropriate to do so. HSC staff may only access NIECR records where there is a clinical need to do so.

When we refer to role type we mean for example a consultant will have full access to the relevant patient information on NIECR. So a Cardiology consultant (a doctor with a specialism in dealing with patients who have heart conditions) will have access to all of a patient's medical records in order to build up a complete picture of their patient's health. This is to provide the best possible care for that patient. Whereas an NIECR user with an administrative role would only have limited NIECR access such as being permitted to view information related to their administrative role e.g. referral letter lists and outcomes which help them to book further patient appointments or blood results in order to be able to give patients their blood results if appropriate.

HSC staff are trained and have a legal duty to keep your information safe and confidential.

The software supplier for NIECR provides the technical support to ensure the system is working effectively. Your information will only be shared to resolve technical errors or issues following secure protocols in line with applicable organisational policies. Should personal data be necessary to resolve an issue, the minimal information possible will be shared with the NIECR software supplier.

We only share information when absolutely necessary. We have procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Should NIECR receive requests for information from external bodies each will be considered on an individual basis; if approved your information will only be accessed with your consent, an example of this would be a request by Independent Health Care Providers.

Information shared by law

There may be occasions when where your information can be shared with other organisations without your consent, but this will only happen in very specific circumstances. This may include (but is not limited to) data:

- required by law or by a court order;
- necessary to meet the requirements of Section 66 of the Children (Northern Ireland) Order (1995)
- necessary to detect or prevent a crime, including allegations or suspicions of fraud;
- necessary to protect the public from serious harm e.g. the protection of vulnerable adults; or
- required for monitoring certain health conditions e.g. infectious diseases.

Security of your information

- All HSC staff are required to complete information governance training regularly
- Governance policies and procedures are in place; these are available on all of the Health Trusts' websites.
- All staff within HSC who access NIECR have appropriate access levels for their role, not everyone who has access to the system can view your personal information. This is known as controlled access.

- A record is kept every time a member of staff accesses your information on the NIECR. Appropriate checks and audits may be carried out on this activity to ensure that only authorised staff are accessing personal information.
- There are security measures put in place to ensure a high standard of IT security across all HSC Services protecting them from all threats. These could be internal, external, deliberate or accidental threats.

How do I see my information?

You have a right under the legislation to obtain a copy of information held about you. If you want to see the information held about you, or ask about how we use it, we would suggest as a first step an informal approach to your GP or other HSC professional that you may be seeing.

To formally request access to your NIECR, or any health and care record (a Subject Access Request) you need to write or speak to your GP Practice or the HSC Trust where you are receiving or have received care. In most cases, the deadline for response will be one calendar month, although this can be extended to 3 months where a request is deemed 'complex'.

GDPR gives individuals the right to request erasure of or correction of their personal data. As mentioned above the right to erasure will generally not apply to information held within the NIECR system, but if you feel that information being held is inaccurate then we will consider all such concerns raised. Individuals also have the right to request their personal data be transferred to another person, and the right to complain to a supervisory authority.

If you require more information on this please contact the BSO Data Protection Officer at dpo.bso@hscni.net. or the NIECR Project Team at NIECRPrivacyOfficer@hscni.net.

Is there any information that I cannot see?

There are occasions when other people have provided information relating to your care. We have a duty to keep certain information confidential and may not be able to share it with you. There are some other instances when information cannot be legally shared or released, for example investigations conducted by the Police.

Enquiries

If you would like to know more about how we use your information and your rights please contact our Privacy Officer.

Email: NIECRPrivacyOfficer@hscni.net

Phone: You can telephone **0300 555 0205** for information
(Option 1: NIECR information, Option 3: How your information is used)

Further Information

If you have any further concerns or queries on how your personal data is being processed you can contact the **Information Commissioners Office**.

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

Tel: **0303 123 1113**

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