

Privacy Notice for Devon Sexual Health Services (including HIV and termination of pregnancy)

Summary

Across Devon we provide an integrated Sexual Health, HIV and Termination of Pregnancy Service, holding one clinical record for your Sexual Health, HIV and termination information.

Our services are confidential – even for those under 16 years old. No one can access our patient records apart from staff working in our clinics.

All tests are sent away under a clinic number and patient's date of birth, so no-one outside of our service will know about tests performed or test results – this includes GPs, hospital clinics, school nurses, etc.

We do not routinely share information about clinic attendances with anyone else unless you want us to. It can be helpful sometimes for us to work with GPs and other services and let them know about care we have given or treatments we have supplied – but we will not do this without checking with you first.

If we have concerns about a person's safety, we may need to share this information with another professional. However, we would try to let the person know that we were going to do this, as long as it is safe for us to do so.

If you have concerns about confidentiality, please talk to a member of staff who will be able to answer your questions.

We take confidentiality very seriously and all staff are trained in managing sensitive situations and receive comprehensive data protection training.

By issuing this privacy notice, we demonstrate our commitment to fairness, openness and transparency, and accountability.

Devon Sexual Health is registered with the Information Commissioner Office [ICO] to process personal and special category data under the Data Protection Act 2018 under its two controller organisations. Our ICO registration details are available on the following weblinks:

- Torbay and South Devon NHS Foundation Trust
<https://ico.org.uk/ESDWebPages/Entry/ZA143471>

- Royal Devon University Healthcare NHS Foundation Trust
<https://ico.org.uk/ESDWebPages/Entry/ZB322774>

Why do we collect personal information about Sexual Health, HIV and termination of pregnancy?

We collect personal information about Sexual Health, HIV, and termination of pregnancy to provide you with appropriate care, testing and treatment. The information we collect will depend on which services you are accessing.

We may also use your information to notify sexual partners of people who have been diagnosed with HIV or Sexually transmitted infections to support our public health obligations.

How do we collect your personal information?

We collect personal information from several sources:

- Directly from yourselves
- Sexual partners that may have given us your details.
- External provider partners that may have given us your details, such as GPs, community nurses, social workers etc.

We also work with Preventx to provide a postal screening service for STIs. The Trust only access and record details of positive test results. To see Preventx privacy information please go to: <https://www.test.me/privacy>

What information might we collect?

We collect different information depending on the service you are being provided. Most services will collect the following information:

- Basic information about you, such as name, address, date of birth, NHS number and next of kin details.
- Contacts we have had with you, such as appointments or testing.
- Notes and reports about your health and any treatment and care you need.
- Details and records about the treatment and care you receive.
- Relevant information from other healthcare professionals

We may also process special categories of information that may include:

- Nationality, racial and/or ethnic origin
- Religious or philosophical beliefs
- Health information: e.g. results of laboratory tests.
- Notes and reports about your health, treatment, and care.
- Sex life or sexual orientation

We may also ask for information about your recent sexual contacts and may reach out to these contacts on your behalf. We will not disclose your identity to the contact.

What is our legal basis for processing your personal information?

All the personal information that we collect, and use is handled in accordance with the UK General Data Protection Regulation (UK GDPR) principles. These state that personal data processing must be:

1. Lawful and fair.
2. Specified, explicit and legitimate.
3. Adequate, relevant, and not excessive.
4. Accurate and kept up to date.
5. Kept for no longer than is necessary.
6. In a secure manner.

Both Torbay and South Devon NHS Foundation Trust and Royal Devon University Healthcare NHS Foundation Trust are public bodies established by the NHS Act 2006 as amended by the Health and Social Care Act 2012.

Any personal data we process is done so in accordance with the UK. Our lawful basis for processing is:

- Article 6(1)(e) Public Task: the processing is necessary to perform a task in the public interest, or our official functions, which have a clear basis in law.

Where we process your special category information our lawful basis is:

- Article 9(2)(h) Health and Social purposes; Schedule 1, Part 1 (c) medical diagnosis, (d) the provision of health care or treatment, or (f) the management of health care systems or services or social care systems or services.
- Article 9(2)(i) The processing is necessary for reasons of public interest of public health, such as protecting against serious cross-border threats to health or high quality and safety of health care and medicinal products or devices.
- Article 9(2)(j) The processing is necessary for archiving purposes in the public interest, Schedule 1, Part 1 scientific or historical research purposes or statistical purposes in accordance with Article 89 (1)

Please note consent is not the legal basis for processing information collected for direct patient care.

How do we keep your information safe?

All information relating to your Sexual Health, HIV and termination of pregnancy is held in our secure dedicated Sexual Health system.

We also have technical measures to ensure that only HIV clinicians can view information relating to positive HIV treatments.

Our staff members are trained to handle your information correctly to protect your confidentiality and keep your information secure. Everyone working in the NHS has a duty of confidentiality under the NHS Code of Practice when handling your personal information.

Privacy Notice for HIV and ToPAS – v1.0 Information Governance 01/10/2024

Devon Sexual Health services provided by:
Royal Devon University Healthcare NHS Foundation Trust
Torbay and South Devon NHS Foundation Trust

Do we share your information?

We may share your information with:

- Your GP
- Other sexual health services where needed.
- Social work teams if required.
- Where required, other health professionals such as midwives.
- Police and other law enforcement agencies when we have an overriding legal obligation to do so.
- Other 3rd party organisations such as charities, after a discussion with yourself
- Shared anonymised data with our commissioners, such as relevant local authorities and with Public Health England and other statistical auditing services.

We will always inform you about any personal information we share with other agencies, unless there is an overriding legal obligation preventing us from doing so.

How do you get access to information that we hold about you?

Under the terms of the Data Protection Act 2018 and the General Data Protection Regulations 2018, you have the right to request access to the information that we hold about you.

The Trust has established processes for dealing with such requests and if you wish to access your information you should contact the Data Access & Disclosure Office who will facilitate and support you through the process or help you find the most appropriate point of contact.

If you have been seen in Torbay, you can request your personal information by writing to dataprotection.tsdf@nhs.net or the following postal address:
Data Access & Disclosure Office Belmont Court Torbay Hospital Torquay TQ2 7AA

Alternatively, you can telephone 01803 654868 and request an application form.

If you have been seen in Exeter or North Devon, you can request your personal information by writing to rduh.accesstorecords-eastern@nhs.net or the following postal address:

Information Governance Office,
Royal Devon University Healthcare NHS Foundation Trust,
Wonford Hospital,
Barrack Road
Exeter,
Devon,
EX2 5DW

Alternatively, you can telephone 01392 402623 and request an application form. When you apply for information, we need to carry out checks to ensure we are disclosing your information safely. We may ask for copies of your passport, work ID, driving licence and proof of address to support completing a request.

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Some information may be exempt from disclosure under the Data Protection Act, if this is the case, you will be told what exemptions have been applied.

How long do we keep your records?

The Trust follows NHS England recommended retention schedule which can be found in the NHS Records Management Code of Practice.

Further information and queries

If you have any queries or concerns regarding the information we hold about you, or a question regarding how we look after your information please speak to your clinician in the first instance.

You can also email the Data Protection Teams:

- If you have been seen in Torbay email dataprotection.tsdf@nhs.net
- If you have been seen in Exeter or North Devon email rduh.accesstorecords-eastern@nhs.net

Complaints

You have the right to make a complaint if you feel unhappy about how we hold, use, or share your information. Depending on the nature of your complaint, we would recommend discussing with your named clinician in the first instance.

Alternatively, you can contact our Patient Advice and Liaison Service who will help you to identify the most appropriate procedure to follow.

If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the Information Commissioner's Office:

Post: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Web:
<https://ico.org.uk/concerns/> Phone: **0303 123 1113**

Please note that the Information Commissioner will not normally consider an appeal until you have exhausted your rights of complaint to us directly. Please see the website above for further advice.

When will we review this notice?

We will review this notice annually or when a change in processes or law requires us to.