

## Complaints Privacy Notice

### Why are we collecting your information?

This Privacy Notice has been written to inform you that York and Scarborough Teaching Hospital NHS Foundation Trust (the Trust) processes information about you in order to process a complaint.

### Who do we collect your information from?

Much of the information we use will be collected directly from you or your family members. Depending on the nature of your complaint we may also use information received from:

- GPs
- Other NHS bodies
- Other Care Providers, such as private sector providers
- Ambulance trusts
- Local Authorities
- Police

### Who are we?

The Trust is a 'Data Controller', this means that we determine the purposes for which, and the manner in which, your personal data is processed. We have a responsibility to you and your personal data and will only collect and use this in ways which are compliant with data protection legislation.

The Trust has appointed Rebecca Bradley (Head of Information Governance) to be its Data Protection Officer (DPO). The role of the DPO is to ensure that the Trust is compliant with Data Protection legislation and to oversee data protection procedures.

The DPO contact details are:

**York and Scarborough Teaching Hospital NHS Foundation Trust**

**York Hospital**

**Wigginton Road**

**York**

**North Yorkshire**

**YO31 8HE**

[yhs-tr.Information.Governance@nhs.net](mailto:yhs-tr.Information.Governance@nhs.net)

### What Information are we collecting?

- 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 day care clinics and/or home visits
- 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 health and social care professionals, local authorities, voluntary organisations, relatives or those who care for you and know you well.

If it is pertinent to your complaint, we may also process special categories of information that may include:

- Nationality, racial and/or ethnic origin
- Religious or philosophical beliefs
- Health information
- Notes and reports about your health, treatment and care
- Sex life or sexual orientation

### **What is our lawful basis for processing your information?**

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

Article 6(1)(c) legal obligation under Statutory Instrument 2009, No 309, The Local Authority Social Services and National Health Service Complaints (England) Regulations.

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

Article 9(2)(g) Reasons of substantial public interest, Schedule 1, Part 2 (6)(2)(a) Statutory etc and government purposes

### **How long do we keep your information for?**

The Trust follows NHS Digital's recommended retention schedule which can be found in the [Records Management Code of Practice for Health and Social Care 2016](#).

### **Who do we share your information with?**

- If there is a joint investigation we may share information with other NHS organisations
- If someone has complained on your behalf such as a family member or MP we will share information with them
- Ombudsman

### **Do we transfer your information outside the UK?**

No

### **What rights do you have over your data?**

Under GDPR data subjects have the following rights in relation to the processing of their personal data:

- to be informed about how we process your personal data. This notice fulfils this obligation
- to request access to your personal data that we hold, and be provided with a copy of it
- to request that your personal data is amended if inaccurate or incomplete
- to request that your personal data is erased where there is no compelling reason for its continued processing
- to request that the processing of your personal data is restricted
- to object to your personal data being processed

If you have any concerns about the way we have handled your personal data or would like any further information, then please contact our DPO on the address provided above. To put in a Subject Access Request please contact:

**01904 725680**

[yhs-tr.SubjectAccessRequests1@nhs.net](mailto:yhs-tr.SubjectAccessRequests1@nhs.net)

If we cannot resolve your concerns you may also complain to the Information Commissioner's Office (the Data Protection Regulator) about the way in which the Trust has handled your personal data. You can do so by contacting:

**First Contact Team**

**Information Commissioner's Office**

**Wycliffe House Water**

**Lane Wilmslow**

**Cheshire**

**SK9 5AF**

**casework@ico.org.uk // 0303 123 1113**