

*[to be published or accessible in the following locations*

- 1. On the BW ICP website*
- 2. On the Frimley ICS website*
- 3. As part of the Share Your Care Personal Health Record registration/sign-up process*
- 4. In the Share Your Care app before the user logs in*
- 5. In the Share Your Care app while the user is logged in*
- 6. On the Share Your Care URL/browser-access portal before the user logs in*
- 7. On the Share Your Care URL/browser-access portal while the user is logged in*

*Points 1-7 The privacy policy is being published on the Frimley ICS website and the Berkshire West ICP website. The Frimley ICS web page provides the URL that the system hyperlinks to so that it can be accessible for the user at key points in the registration process and whilst logged in.*

*Points 3, 4 & 6 Technical development is in progress to deliver mid-August a privacy policy prompt for the user during registration and before the user logs in. Prior to August, during the controlled pilot phase, the privacy policy will be provided directly to users alongside other pilot information before registration and logging in, this will be either via email or SMS containing the hyperlink.*

*Points 5 & 7 Whilst logged in the user can access the privacy policy from within the app and web browser-access portal via the hyperlink.]*

## Privacy Policy

This privacy policy statement describes the privacy and processing arrangements for the Share Your Care Personal Health Record service commissioned by Frimley Health NHS Foundation Trust and provided by the Share Your Care solution providers.

We publish this policy to ensure everyone understands how we capture, manage and use your data through the Share Your Care Personal Health Record and to explain how we use the personal information that you supply to us through the Share Your Care Personal Health Record.

We respect the privacy of all who use the Share Your Care Personal Health Record service.

We treat all information in line with our legal responsibilities and recognise best practice standards and processes.

We will only collect and process the personal data that is permitted by law and necessary to support your health and care and the Share Your Care Personal Health Record operational processes. Please follow the links below for more information on these topics:

***What data is collected and processed***

***The legal basis for processing***

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***How we use your information***

***Our use of cookies***

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References to “Share Your Care”, “we” and “us” in this privacy policy refer to the joint data controllers for the Share Your Care Personal Health Record service commissioned by Frimley Health NHS Foundation Trust (FHFT) and provided by the Share Your Care solution providers.

## What data is collected and processed

Data supporting the Share Your Care Personal Health Record service is sourced from health and social care organisations’ clinical and social care systems as well as GP clinical systems.

Data provided by service users themselves is also recorded in the shared care record system Share Your Care. Share Your Care is also known locally to health and social care professionals as Connected Care.

## The Data Shared by Service Users

The categories of data used in the Share Your Care Personal Health Record service registration process are:

1. Email address;
2. Mobile number;
3. First name; and
4. Family name.

In addition to data provided during the registration process the categories of Share Your Care Personal Health Record service data that can be provided and managed by the service user are:

5. All About Me:
  - a. In an emergency
    - i. Responsibilities
    - ii. Powers of Attorney
    - iii. Organ donation
    - iv. Future care
    - v. Key safe
    - vi. Pets
  - b. I want you to know
  - c. How I live;
6. My Record:
  - d. Allergies
  - e. Medications (over the counter, not prescribed); and
7. Remember to ask.

Where you have been enrolled in an additional service (for example, a “Care@Home” virtual ward), additional information can be provided by you to support your care.

8. For Care@Home, the additional information includes:
  - a. Pulse rate
  - b. Blood Oxygen Saturation (SATs)
  - c. Temperature
  - d. Breathing
  - e. Cough
  - f. General wellbeing.

**It is important to note that the Share Your Care Personal Health Record service is not a real-time messaging and alerting system and health and social care professionals are not actively monitoring the data you provide. (The only exception to this is where you have been enrolled in an additional service such as Care@Home. If you have been enrolled in an additional service that includes active monitoring of the data you provide you will be advised of the frequency and nature of the monitoring at the time you are enrolled.)**

Where you have an urgent or emergency health or social care requirement you should contact the appropriate urgent or emergency service using the normal method.

## The data shared by practices and health and social care providers

The categories of data shared from health and social care operational systems are:

1. Person Details and Demographics;
2. Allergies;
3. Hospital Activity:
  - a. A&E attendances
  - b. Admissions
  - c. Discharges
  - d. Transfers
  - e. Waiting list;
4. Hospital appointments:
  - f. Future appointments
  - g. Past appointments;
5. Immunisations;
6. Lifestyle;
7. Measurements;
8. Medications;
9. Problems:
  - h. Active problems
  - i. Past problems;
10. Procedures;
11. Results;
12. Social / Family History; and
13. Where you are enrolled in a Care@Home virtual ward, advice on:
  - a. Self-reporting of vitals, observations and symptoms
  - b. The frequency of self-reporting.

## The legal basis for processing

The organisations providing your health and social care are required by law to collect and share data about you to ensure you receive effective care services. The legal detail is set out below for your information.

Unless an individual has objected to the joint processing and sharing and the sharing organisation has accepted the individual's objection to the processing, the legal basis for sharing and viewing the shared records includes provisions of Section 251B of the Health and Social Care Act 2012 (as amended by the Health and Social Care (Safety and Quality) Act 2015):

2. The sharing organisation must ensure that the information is disclosed to:
  - (a) persons working for the sharing organisation
  - (b) any other relevant health or adult social care commissioner or provider with whom the sharing organisation communicates about the individual; and
3. So far as the sharing organisation considers that the disclosure is:
  - (a) likely to facilitate the provision to the individual of health services or adult social care in England
  - (b) in the individual's best interests.

Unless an individual has objected to the joint processing and sharing and the sharing organisation has accepted the individual's objection to the processing the legal basis for viewing the shared records is also provided by General Data Protection Regulation:

1. Article 6(1)e  
“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”; and
2. Article 9(2)h  
“processing is necessary for the purposes of preventive 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”.

Where access to confidential data is legitimate, the common law duties of confidentiality are satisfied because consent to view an individual’s record is implied where the individual concerned has been provided with a Share Your Care Personal Health Record service-specific privacy notice and agrees to be referred to a service or where the individual concerned refers themselves or presents to a service.

## Who may access your information

The following types of organisation have committed to use the personal confidential data identified in this document solely for the purposes defined in this document:

1. A patient’s registered practice or another practice providing care on behalf of the patient’s registered practice;
2. Ambulance and emergency services involved in your care;
3. Community Trusts involved in your care;
4. Hospital Trusts involved in your care;
5. Independent sector health care providers (for example your Out-of-Hours provider);
6. Independent sector social care providers (when acting on the instructions of your Local Authority);
7. Local authorities involved in your social care;
8. Mental health providers involved in your health care;
9. Specialist service providers involved in your health care; and
10. Voluntary sector providers (when acting on the instructions of Local Authority and NHS organisations).

## You, your family, your friends and your colleagues

As we mentioned above, we respect the privacy of all who use the Share Your Care Personal Health Record service and work to ensure that all data that is shared with us and processed by us is treated with respect.

However, you will also need to consider your privacy in the context of your family, friends and colleagues. When thinking about your responsibility for the security of how you access the Share Your Care Personal Health Record service, points for you to consider include:

1. Are you happy for any of them (your family, friends and colleagues) to be able to access your data?
2. If you are and you provide them with access to your data the people you give access to will be able to see everything you can see and do everything you can do.
3. If you choose not to share your data with family, friends and colleagues you will also need to consider:
  - a. How you keep your credentials, passwords and PINs secure.
  - b. If there is shared access to the equipment used to access the Share Your Care Personal Health Record service what steps you can take to ensure that your data is not visible or accessible to someone who uses the shared smartphone, tablet or computer after you. Steps you can take include:
    - i. Not using shared equipment.
    - ii. When accessing the Share Your Care Personal Health Record service with a web browser doing so by means of “private” browser sessions.
    - iii. Clearing the web-browser “cache” after you log out of the service.
  - c. You should also consider who can also view your data while you access the Share Your Care Personal Health Record service.

## How we use your information

We use the information that you provide together with information by health and social care providers locally to:

1. Ensure that your care is as consistent as possible with your needs, preferences and circumstances; and
2. Plan, monitor and adapt the health and care services we provide to you.

The privacy arrangements for the Share Your Care Personal Health Record service are considered satisfactory as:

1. Access for professionals to view data is managed in accordance with carefully designed RBAC (Role Based Access Control) arrangements;
2. Share Your Care includes an audit trail showing which professional users have accessed your records;
3. The Share Your Care data is stored in a data repository housed in a fully accredited and secure Microsoft Azure data centre/. Key security aspects include:
  - a. the physical security of the system servers
  - b. multi-factor authentication for user access to the system; and
4. The common law duty of confidentiality is maintained in respect of the data you provide using the Share Your Care Personal Health Record service because you will have been presented with this privacy notice on registration and continued with the registration process.

## Our use of cookies

Cookies are small text markers stored on your computer that enable the Share Your Care Personal Health Record service to understand how you use the Share Your Care Personal Health Record service.

No personally identifiable information is stored in the Share Your Care Personal Health Record service cookies after the termination of your session.

A single cookie is permanently stored to hold your response to the most recent Share Your Care Personal Health Record cookie statement.

### You can control and delete non-essential cookies

You can do this through your chosen internet browser.

The browser's help function will explain how.

If you delete or restrict Share Your Care Personal Health Record service cookies then it is possible that you will not be able to access the full Share Your Care Personal Health Record service and your user experience may suffer as a result.

## Right of access and right of rectification

You have the right at any time to ask for a copy of the information that we hold about you, and we will supply that data to you in line with the legal requirements to do so. To obtain a copy of your records, please complete the online request form:

[Online form to request your records.](#)

If you wish for another person to process your request on your behalf, you will need to give your written permission to do so before we can provide copies of your records.

If any information that we hold about you is inaccurate and:

1. You provided the data through the Share Your Care Personal Health Record service, then you will need to correct the data yourself (if this proves to be a problem please let us know); or
2. The data came from your practice or one of the health and social care providers, you have the right to ask us to make the necessary corrections.

If you need to tell us about any changes to the information that you have given to us that can't be changed directly through the Share Your Care Personal Health Record service application or website, please contact:

**FHFT, Frimley Park Hospital, Portsmouth Road, Frimley, GU16 7UJ**

**Email: [fhft.information.governance@nhs.net](mailto:fhft.information.governance@nhs.net)**

## Share Your Care Personal Health Record data controllers and processors

The joint data controllers for the Share Your Care Personal Health Record service include all health and social care organisations who are providing identifiable personal data to the Share Your Care Personal Health Record service. These joint data controllers include:

1. Ambulance and emergency services;
2. Community Trusts;
3. General practice organisations;
4. Hospital Trusts;
5. Independent sector health care providers; and
6. Mental health providers involved in your health care.

Frimley Health NHS Foundation Trust is the lead data controller on behalf of the joint data controllers for the Share Your Care solution summarised above. The Trust's Data Protection Officer can be contacted via email at: [fhft.information.governance@nhs.net](mailto:fhft.information.governance@nhs.net) or via: The Data Protection Officer, Information Governance Department, Frimley Health NHS Foundation Trust, Frimley Park Hospital, Portsmouth Road, Frimley, GU16 7UJ.

The organisations who have authorised data processing using the Share Your Care Personal Health Record service can be found at: <http://www.regisa.uk/index.php/specifications/2-uncategorised/15-schedule-cde-agmt-map#PC190023>.

These organisations will retain your data in line with their legislated data retention requirements and policies. The legislated requirements are set out in the Records Management Code of Practice for Health and Social Care (<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>). The Share Your Care Personal Health Record service providers are:

1. The data processor:
  - a. SoftCat Limited; and
2. The sub-processors:
  - a. Graphnet Health Limited
  - b. Microsoft UK
  - c. System-C Limited.

## Complaints

If you have a complaint please contact Frimley Health NHS Foundation Trust in the first instance. The Trust's Data Protection Officer can be contacted via email at: [fhft.information.governance@nhs.net](mailto:fhft.information.governance@nhs.net).

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

Or via: <https://ico.org.uk/>

Or by telephone on: 01625 545 745

## Future updates to this privacy policy statement

We may change this privacy policy statement at any time. Where substantial changes are made to the privacy policy we will either notify you when you access the Share Your Care Personal Health Record service or send you an email with details of the updated privacy policy statement using the latest email address you have provided.

If you continue to use the Share Your Care Personal Health Record service application or website after changes are made you will be agreeing to those changes.