

Privacy Notice – Direct Care - Emergency Care

There are occasions when intervention is necessary in order to save or protect a patients life or to prevent them from serious immediate harm, for instance during a psychotic episode, serious injury or accident. In many of these circumstances the patient may be unconscious or too ill to communicate or understand. In these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other emergency healthcare services, the police or fire brigade, so that you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extent of care they will receive should they fall ill in the future, these are known as “Advance Directives”. If lodged in your records these will normally be honoured despite the observations in the first paragraph.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

Privacy Notice – Direct Care - Emergency Care

1. Data Controller contact details	Kent and Medway NHS and Social Care Partnership Trust Head Office, Farm Villa, Hermitage Lane, Maidstone, Kent, ME16 9PH
2. Data Protection Officer contact details	Leanne McDougall Head of Information Governance, St Michaels House, St Michaels Road, Sittingbourne, Kent, ME10 3DW
3. Purpose of Processing	Clinical staff have a professional responsibility to share data in emergencies to protect their patients or other persons. Often in emergency situations the patient is unable to provide consent.
4. Lawful basis for processing	This is a Direct Care purpose. There is a specific legal justification which is supported under the following Article 6 and 9 conditions of the GDPR: <ul style="list-style-type: none"> • <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> • <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>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5. Recipient or categories of recipients of the processed data	The data will be shared with Healthcare professionals and other workers in emergency and out of hours services and at local hospitals, diagnostic and treatment centres.
6. Rights to object	You have the right to object to some or all the information being processed under GDPR Article 21. Please contact the Data Controller or Data Protection Officer. You also have the right to have an “Advance Directive” placed in your records and brought to the attention of relevant healthcare workers or staff.
7. Right to access and correction	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. If we share or process your data in an emergency when you have not been able to consent, we will notify you at the earliest opportunity.
8. Retention Period	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
9. Right to Complain	You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/ or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)