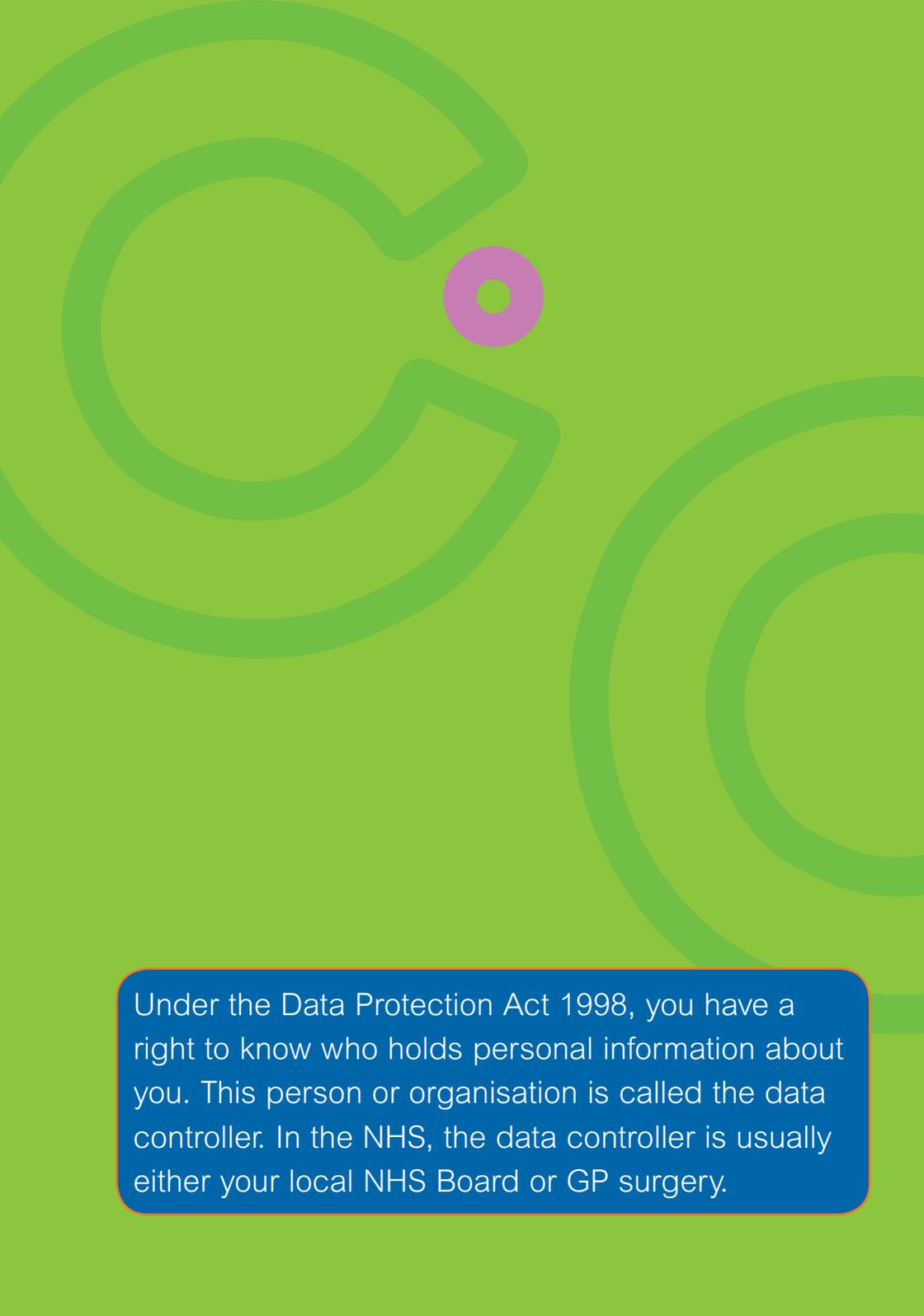


# Confidentiality -it's your right

How the NHS protects your  
personal health information

Version 3  
Produced in April 2007  
Revision date April 2009

**NHS**  
SCOTLAND



Under the Data Protection Act 1998, you have a right to know who holds personal information about you. This person or organisation is called the data controller. In the NHS, the data controller is usually either your local NHS Board or GP surgery.

## What is this leaflet about?

It tells you:

- what your personal health information is
- how the NHS keeps this information confidential
- how this information is used
- who this information is shared with and why, and
- what your rights are.

## Why has this leaflet been produced?

- The NHS must keep your personal health information confidential. It is your right. This leaflet explains how the NHS does this.
- There is also a version of this leaflet for children and young people under 16, called '**Confidentiality – your rights**'. See page 12 for where to get a copy.

## What is my personal health information?

It is information that identifies you. It includes things like your name, address, date of birth, and postcode. It can be linked to, for example:

- information about any care and treatment you have received
- information about your health and lifestyle, and
- results of tests you have had.

## How and where is my personal health information kept?

It is kept in records. Records can be written on paper, held on computer or both. Records are stored securely in different parts of the NHS.

- You have a record at your GP surgery.
- If your GP refers you to a hospital, the hospital will keep a record there.
- Records can also be held in other places, for example, at your dental surgery or at a clinic you have been to.

The NHS is storing more and more of your personal health information on computer. Eventually you may have a single electronic record. This will make it easier for NHS staff to share information about you so that you get the treatment you need, wherever you are.

Your record will be stored securely. Only NHS staff who are involved in your care will be able to look at your record. And it will be possible to check who has looked at your electronic record.

## Your Emergency Care Summary

Most patients in Scotland now have something called an Emergency Care Summary. This is a summary of basic information about your health which might be important if you need urgent medical care when your GP surgery is closed, or when you go to an accident and emergency (A&E) department. It means that NHS staff looking after you can get important information about your health, even if they cannot contact your GP surgery.

You will be asked for your permission before any member of staff looks at your Emergency Care Summary.

For more information, see the leaflet 'Your Emergency Care Summary – What does it mean for you?' You can get a copy from your GP surgery, by phoning the NHS Helpline on 0800 22 44 88, or on the internet at [www.hris.org.uk/ecs](http://www.hris.org.uk/ecs)

## **How does the NHS keep my personal health information confidential?**

- All NHS staff have a legal duty to keep information about you confidential.
- The NHS stores your personal health information securely.
- Only relevant information is shared inside the NHS or with outside organisations. We explain when and why it's shared later in this leaflet.
- The NHS will not give information about you to organisations such as benefits agencies, employers or the media without your permission.

## **How is my personal health information used?**

NHS staff use your information to give you the care and treatment you need. They will share relevant information with other NHS staff involved in your care. This makes caring for you safer, easier and faster.

For example, information is shared if:

- your GP refers you to a hospital
- you are moved from one hospital to another
- you need support at home, such as a visit from a district nurse, or
- NHS 24 refers you to a GP or another part of the NHS.

If you are concerned about your information being shared, see 'Your right to object' on page 8.

### **How else does the NHS use information about my health?**

The NHS uses relevant information about your health to help improve the general public's health and NHS services. It can be used, for example:

- to count the number of cases of diseases
- to look at how safe and effective a treatment is, for example, flu vaccinations
- to check that the NHS is providing a good service
- to plan how many beds, wards and staff are needed
- to train students and staff
- to check that the NHS spends public money properly, or
- for research.

Wherever possible, your name, address and other information that identifies you is removed. Sometimes the NHS uses information that does identify you. In most cases, if they do this they will explain to you how and why your information will be used. If they use information which identifies you for teaching or research, they must ask your permission.

If you don't want the NHS to use your information to help improve public health and NHS services, you can object. See page 8.

## When can my personal health information be shared outside the NHS?

As well as NHS staff, you might receive care from a carer, a home help, a social worker or others. They might need to know relevant information about your health. Usually, it will only be given to them if:

- you have agreed; and
- they need it to be able to give you care and treatment.

Usually the NHS will not share your personal health information with people such as a relative, carer or friend without your permission. However, there are special cases.

- If you are a child, the law may allow someone with parental responsibility for you to see your records and discuss your care.
- If you are an adult who cannot make decisions for yourself, or cannot tell others your decisions, the law allows someone to see your records and discuss your care, if:
  - you have appointed them to act on your behalf in a welfare power of attorney; or
  - they have applied to a court and have been granted the power in a welfare guardianship order.

In these special cases, that person will not receive information that:

- you have told NHS staff you don't want them to have; or
- staff feel would be harmful to your health or the health of others.

Sometimes the law allows the NHS to share your personal health information without your permission, for example, to investigate a serious crime or to protect a child.

## What are my rights?

As well as your right to confidentiality, you have the rights below.

### Your right to know

You have a right to know how your personal health information is used. You can ask a member of NHS staff providing your care.

### Your right to see

You have a right to see your health records and, if you choose, to get a copy. Wherever possible, you should be given your health records in a format that meets your needs. The leaflet 'How to see your health records' explains how to do this. See page 12 for where to get a copy of this leaflet.

## **Your right to object**

If you don't want your health information to be used or shared, tell a member of NHS staff providing your care. If you do this, the NHS has to limit how it uses your information where possible.

## **Your right to complain**

If you are not happy about how your health information has been used or protected, first talk to a member of NHS staff providing your care. If you are still not happy after this, and would like to make a complaint, the leaflet 'Making a complaint about the NHS' explains what to do. See page 12 for where to get a copy of this leaflet.

## How to find out more

- For more information about anything in this leaflet, contact:

- your local NHS Board and ask to speak to someone about confidentiality

To find contact details for your local NHS Board:

- look in the phone book under 'health services'
- call the NHS Helpline on 0800 22 44 88, or
- look on the internet at [www.hris.org.uk](http://www.hris.org.uk) or [www.show.scot.nhs.uk/organisations/orgindex.htm](http://www.show.scot.nhs.uk/organisations/orgindex.htm)

- the NHS Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88)
  - your local citizens advice bureau (find your nearest bureau on the internet at [www.cas.org.uk](http://www.cas.org.uk) or in your local phone book)
- For more information about how the law affects children and young people, contact:

The Scottish Child Law Centre

54 East Crosscauseway

Edinburgh

EH8 9HD

Information helpline: 0131 667 6333

Freephone number for under 18s: 0800 328 8970

Fax: 0131 662 1713

Free text enquiry service: text 'SCLC' followed by your question to 80800

Email: [enquiries@sclc.org.uk](mailto:enquiries@sclc.org.uk)

Website: [www.sclc.org.uk](http://www.sclc.org.uk)

- If you can't make decisions for yourself or can't tell others your decisions, this is called 'incapacity'. For information about the Adults with Incapacity (Scotland) Act, contact:

The Office of the Public Guardian

Hadrian House

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Phone: 01324 678 300

Fax: 01324 678 301

Email: [opg@scotcourts.gov.uk](mailto:opg@scotcourts.gov.uk)

Website: [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

- For more information about the rights of people with mental illness or disorder, contact the Mental Welfare Commission for Scotland. They can also give you information and advice on people's rights under the Adults with Incapacity Act.

Mental Welfare Commission for Scotland

K Floor

Argyle House

3 Lady Lawson Street

Edinburgh

EH3 9SH

Phone: 0131 222 6111

Freephone number for service users and carers:

0800 389 6809

Fax: 0131 222 6112

Website: [www.mwcscot.org.uk](http://www.mwcscot.org.uk)

- To find out more about how your personal information is used and protected, you can contact the Information Commissioner's Office at the address below.

You can also contact this office to complain about how the NHS has used or protected your information, but only if you have already used the NHS Complaints Procedure.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Phone: 01625 545 700

Helpline number: 01625 545 745

Fax: 01625 524 510

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## Other leaflets in this series

This leaflet is part of a series. The other leaflets in the series include:

- **How to see your health records**
- **Making a complaint about the NHS**
- **The NHS and You**
- **Consent – it's your decision: How you should be involved in decisions about your health care and treatment**

We have also produced the following leaflets for children and young people under 16:

- **Consent – your rights: How you should be involved in decisions about your health care and treatment**
- **Confidentiality – your rights: How the health service keeps information about you private**

You can get these leaflets from:

- GP and dental surgeries, and hospitals
- other places where you receive NHS care
- your local NHS Board
- the NHS Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88)
- **[www.hris.org.uk](http://www.hris.org.uk)**
- your local citizens advice bureau (find your nearest bureau on the internet at **[www.cas.org.uk](http://www.cas.org.uk)** or in your local phone book)

# Your comments please!

We want to know what you think about this leaflet.

Please give us your comments:

- by post to HRIS, Scottish Consumer Council, FREEPOST GW5277, Glasgow G1 3BR
- by emailing us at [hris@scotconsumer.org.uk](mailto:hris@scotconsumer.org.uk)
- by visiting our website at [www.hris.org.uk](http://www.hris.org.uk) and clicking on the "contact us" link, or
- by phoning us on 0141 226 5261.

We have tried our best to make sure that the information given in this leaflet is correct. However, the leaflet is for guidance only so you should not rely on it as a full statement of the law. If you are thinking about taking legal action, you should contact a solicitor, a citizens advice bureau or other advice agency.

Produced by Health Rights Information Scotland, a project of the Scottish Consumer Council, for the Scottish Executive Health Department.

To get this leaflet in another language or format phone your local NHS Board. If you need help to do this contact the NHS Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88).

للحصول على كراسة 'الحفاظ على السرية - إنه حقك' باللغة العربية اتصل بهاتف المكتب المحلي لهيئة الرعاية الصحية الوطنية NHS board. وإذا احتجت للمساعدة للقيام بذلك، اتصل بخط الاستعلامات التابع للهيئة NHS Helpline على رقم 0800 22 44 88

'গোপনীয়তা - এটি আপনার অধিকার' তথ্যপত্রটি বাংলায় পেতে চাইলে আপনার স্থানীয় এন.এইচ.এস বোর্ডে ফোন করুন। এটি করার জন্য আপনার সাহায্যের প্রয়োজন হলে, এন.এইচ.এস হেল্পলাইনে 0800 22 44 88 নম্বরে ফোন করুন।

如欲索取《資料保密 - 這是你的權利》資料單張，請致電你當地的 NHS 管理局。如需協助致電管理局，請致電 NHS 求助熱線 0800 22 44 88。

Pour obtenir « Confidentialité - c'est votre droit » en français, téléphonez à votre bureau NHS local. Si vous avez besoin d'aide pour cela, contactez l'assistance téléphonique de la NHS au 0800 22 44 88.

'गोपनीयता - यह आप का अधिकार है' हिंदी में पाने के लिए, अपने स्थानीय NHS बोर्ड को फोन करें। अगर आपको ऐसा करने के लिए मदद चाहिए, तो 0800 22 44 88 पर NHS हेल्पलाइन को कॉल करें।

Norėdami gauti informaciją 'Konfidencialumas - tai jūsų teisė' Lietuvių kalba, skambinkite į savo vietinę NHS tarnybą. Jei tai padaryti jums reikalinga pagalba, kreipkitės į NHS pagalbos liniją telefonu 0800 22 44 88.

Aby otrzymać broszurę "Poufność - to Twoje prawo" w języku polskim, prosimy o telefoniczny kontakt z lokalnym oddziałem NHS. Więcej informacji można uzyskać dzwoniąc pod numer linii informacyjnej NHS: 0800 22 44 88.

Для получения «Конфиденциальность - это ваше право» на русском языке, позвоните в местное управление Государственной Службы Здравоохранения. Если Вам для этого нужна помощь, обратитесь в телефонную службу помощи по номеру телефона 0800 22 44 88.

'رازداری - یہ آپ کا حق ہے' اردو میں حاصل کرنے کیلئے اپنے مقامی این ایچ ایس بورڈ کو ٹیلیفون کریں۔ اگر اس کیلئے آپ کو مدد درکار ہو تو این ایچ ایس ہیلپ لائن کو 0800 22 44 88 پر ٹیلیفون کریں۔

[www.hris.org.uk](http://www.hris.org.uk)