

Fair Processing Notice for Foundation Trust Members

What is a Fair Processing Notice?

A Fair Processing Notice is also known as a Privacy Notice or statement. It is a statement by the Trust to Foundation Trust Members which describes how we collect, use, retain and disclose personal information which we hold. The purpose of this fair processing notice is to set out how we process personal information/data fairly and lawfully.

What information do we collect about you?

The Trust collects and processes a range of information about you.

This includes the following information:

- your name, address and contact details which includes email addresses, telephone numbers, date of birth and gender
- information about your marital status, next of kin, dependents and emergency contacts;
- information about medical or health conditions, including whether or not you have a disability for which the trust needs to make reasonable adjustments; and
- equal opportunities and monitoring information including information about your ethnic origin, sexual orientation, health and religion or belief.

The Trust may collect this information in a variety of ways e.g. from completed Foundation Trust Membership forms or if you are a member of staff data may be collected through your new starter forms.

How do we keep your records confidential?

By law, the Trust must ensure it keeps your personal information confidential in accordance with the common law duty of confidence. Recent changes in Data Protection law impose greater obligations on organisations who use and collect personal information.

The Trust also has a responsibility to manage your records appropriately in accordance with the Records Management Code of Practice for Health and Social Care 2016 which sets out the steps that organisations must, should and may take to ensure that confidential information is handled appropriately.

Why do we process your personal data?

The Trust needs to process your data for the performance of a task carried out in the public interest or in the exercise of our official authority. This means that it must be necessary for the data controller (us) to process your personal data for those purposes (it is reasonable, proportionate and we cannot achieve our objective by some other reasonable means and

the data controller (us) can point to a clear and foreseeable legal basis for that purpose is under UK law (whether in statute or common law).

In some circumstances, data can be categorised as that of a 'special category'. Special category personal data includes information about health or medical conditions.

The Trust processes other special categories of personal data such as information about sexual orientation, ethnicity or origin, health, religion or belief. This is processed for the purpose of equal opportunities monitoring.

Your rights

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

More information on individual rights can be found at the Information Commissioner's Office whose details are below.

Access to records

An individual has the right to request access to or copies of, information we hold about them. This is in line with Data Protection Act. If you would like to know what information we hold about you, please address your request to the Trust's Data Protection Officer.

In accordance with Data, you have the right to receive a copy of the information you request free of charge. However, we reserve the right to charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for further copies of the same information.

In some cases, we may refuse your request. This should only happen if we believe that seeing parts of the information we hold could cause you serious harm, cause harm to another person, or if your records would give personal information about someone else.

Where requests are deemed manifestly unfounded or excessive, we reserve the right to refuse to respond. If the Trust refuses to respond to a request, we will explain why and will inform you of your right to complain to the supervisory authority.

Further information

To learn more about how we use your information, please contact the Trust's Head of Information Governance/Data Protection Officer.

Head of Information Governance/Data Protection Officer
Information Governance Team
Birmingham and Solihull Mental Health NHS Foundation Trust
Unit 1, B1, 50 Summer Hill Road
Birmingham
B1 3RB
Email: bsmhft.informationgovernance@nhs.net

Regulatory information

Please note, the Trust's ICO's number is: **Z7693877**

For further guidance or information, please contact the Information Commissioner's Office via their website or address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Website: <https://ico.org.uk/>