

Privacy Notice – Enforcement Agencies (Police / CPS / HM Court Service)

The Kent and Medway NHS and Social Care Partnership Trust keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to and from specialists and other healthcare providers, tests carried out both here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this organisation who are appropriately involved in your health care.

When registering for NHS care within KMPT, all patients who receive care are registered on a organisational database, which is held by KMPT and hosted by The Access Group, a third party company which has legal responsibilities to protect your information.

In order to assist in investigations and legal proceedings it may be necessary to share health related information with enforcement agencies such as the Police and HM Court Service. Explicit patient consent will generally be obtained in order to enable this sharing, however in certain circumstances the organisation may be required by law to release information. This would include:

- Where there is a risk of serious harm to you or other people
- Where a serious crime, e.g. murder / manslaughter / child abuse
- Where the courts have made a formal court order
- Where there is a legal requirement e.g. a road traffic offence has been committed

Where we are required to share information in these cases we will endeavour to inform you of this sharing, however this may not be possible dependant on the circumstances at the time.

You have the right to object to your data being processed for these purposes, however this right will be limited where there is an overriding legal or public interest in the information release.

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

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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	To enable safe and sufficient investigation and completion of legal proceedings.
4. Lawful basis for processing	<p>The processing of personal data in the delivery of overriding legal basis is supported under the following Article 6 and 9 conditions of the GDPR:</p> <ul style="list-style-type: none"> • <i>Article 6(1)(c) ‘Processing is necessary for compliance with a legal obligation to which the data controller is subject’</i> • <i>Article 9(2)(d) ‘Processing is carried out in the course of its legitimate activities with appropriate safeguards’</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 relevant enforcement agency and its staff.
6. Rights to object	You have the right to object to you information being shared with third parties. This right will be limited in circumstances where there is overriding legal requirements.
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.
8. Retention Period	<p>The data will be retained in line with the law and national guidance.</p> <p>https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</p>
9. Right to Complain	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link</p> <p>https://ico.org.uk/global/contact-us/</p> <p>or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>