

## Managing Your Information

CHUMS provides mental healthcare and emotional wellbeing services to children and young people across Bedfordshire, Kent and Hertfordshire. CHUMS is registered with the Information Commissioners Officer (ICO) as a Data Controller.

This document confirms in summary:

- The lawful reasons for processing personal data
- The type of personal data we hold and how we may process and use this data
- Data subject rights under GDPR and Data Protection Act 2018

### Information for service users and parent/carers

If you completed an online referral you will have seen and consented to the information below. If you did not make an online referral or someone, perhaps a professional, made a referral on your behalf, it is important that you read the statement below

#### Why we keep records about you

We keep records about you, your healthcare and your family background to make sure you receive the highest quality care.

By accessing your records, health professionals can see what help you have had before, what you need now and what services you are receiving.

Other staff such as administrators and receptionists may look at your records to book appointments for you or write letters to you.

We may keep your information on paper or electronically on computer systems and in video or audio files.

All staff have a duty of confidentiality. If staff do not follow the law then we may take appropriate action against them.

#### Where we get your information from

We collect information in lots of different ways.

It can come from:

- You or someone that has your permission to tell us.
- Your GP
- Hospital
- Other health or social care providers
- Local or national healthcare organisations

## **What information do we hold?**

- Your contact details such as your address, telephone numbers and email addresses
- Your family details and next of kin
- Details of your current and past mental health
- How you like to live your life
- Photographs and videos
- Details of your cultural background
- Your religious and similar beliefs

## **We will use your information to**

- Decide what care you need and the best way to treat you
- Help another healthcare professional or provider if you are referred somewhere else
- Send you appointment letters and other documents you need

## **We may use information to**

- Help with the health and wellbeing of the public
- Help plan services to look after the population
- Help train our staff
- Help the government set performance targets
- Support the funding of your care
- Help investigate complaints, claims and incidents
- Support the reporting of events when the law says we must

## **What happens to your personal data?**

- The information that you share with us stays within a dedicated computer system and is stored on a specialist client database called PCMIS. This information does not stay within our website and submitted referrals are not stored within the website environment or with any other third party.
- Referrals are transmitted directly into our database which is *only* accessible to authorised CHUMS personnel. This ensures that personal data is stored safely and securely in accordance with the GDPR and DPA 2018. This is only accessed and used by our team to plan and monitor CHUMS support.
- On occasions we may need to share information with other professionals without your permission. We only do this if we are concerned about the safety of the person being referred or the safety of someone else because of the actions of the person being referred. Should this be the case we will always try to discuss this with you first and involve you in the process.
- By completing the referral form you are agreeing to the above.
- During your time with us we may be recording information from any phone calls or face to face sessions we have with you as well as information we may receive from other agencies or professionals. We use NHS record keeping guidelines to ensure we keep accurate and essential information only.

## **How long we keep information about you?**

Your information is kept securely and in line with the Department of Health Records Management Code of Practice for Health and Social Care 2021

## What the law says about using your information

The GDPR and the DPA 2018 allow us to use your information without your consent as long as we have lawful reasons for doing so.

When sharing information with third parties that are not health and social care providers, such as relatives, the common law duty of confidentiality must still be met through consent. Where a child is under the age of 13 then consent (under common law duty of confidentiality) of those with parental responsibility will be sought.

## Our lawful reasons for using your information

- For your direct healthcare, we will use your data under GDPR Article 6 (1) (e) '.....in the exercise of official authority' and GDPR Article 9 (2) (h) 'medical diagnosis and health and social care'.
- To keep you safe we will use your data under GDPR Article 6 (1) (e) '.....in the exercise of official authority' and GDPR Article 9 (2) (b) 'social protection law'.
- For commissioning and service planning, we will use your data under GDPR Article 6 (1) (c) '.....for compliance with legal obligation', GDPR Article 6 (1) (e) '.....in the exercise of official authority' and GDPR Article 9 (2) (h) '.....medical diagnosis & health & social care'
- For monitoring and public health purposes we will use your data under GDPR Article 6 (1) (c) '.....for compliance with a legal obligation' and GDPR Article 9 (2) (i) '.....public health'.
- We also have seven rules known as the 'Caldicott Principles' that we must follow when using your information. These ensure that we only use your information when necessary and that access is limited to people that need to know about you to look after you.

## Who we may share your information with

- Health and social care providers
- Local authorities
- Commissioners
- Safeguarding agencies
- Police forces and authorities with investigative power
- Organisations with a defined lawful reason (for example, Department of Work and Pensions)

## We still need your consent to

- Share information with relatives and friends (if your relatives and friends don't live in the European Economic area, we will only share information if they live in a country that has the necessary safeguard and measure in place to keep your information secure)
- Talk to you by text and / or email

You can remove your consent to the above at any time by talking to your health care team.

## Your Rights

Under current legislation (GDPR the DPA 2018):

- **Right to be informed** – Told about the data held
- **Right to Rectification** – You can ask us to review any of the information that you feel is inaccurate

- **Right to Restrict Processing** – You can ask us to stop using your information but only if the information is wrong or we are using it outside our lawful reasons to do so
- **Right to Object** – Does not apply if we are using your information within our lawful reasons for doing so
- **Right to Complain** – You can complain to CHUMS Data Protection Officer if you are worried about how we are using your information or you can complain to the Information Commissioners Office (ICO) who looks after the use of information in the UK
- **Right to Access Records** – You can ask for a copy of the information we hold about you by contacting us on [info@chums.uk.com](mailto:info@chums.uk.com).

The Information Commissioner's Office states that parents can make subject access requests on behalf of their children who are too young to make their own request. A young person aged 12 or above is generally considered mature enough to understand what a subject access request is, however, each case will be individually considered.

Children and young people who are able to make their own informed decisions have a legal right to access their own records, and can allow or prevent access by others, including their parents.

Any parental access to a child's records must be in the child's best interests.

### **What rights do non-resident parents have in relation to access to their child's medical records?**

Separated parents with parental responsibility have as much entitlement to information as non-separated parents. However, if CHUMS knows parents are separated, and a request for medical records is obtained from the non-resident parent, we may wish to ensure as good practice that the other parent is aware of the request.

To access a copy of your child's health records, please contact us via [info@chums.uk.com](mailto:info@chums.uk.com) and include copies of two forms of identification (one from section A and one from section B)

#### **Section A - Something to prove who you are**

- UK Passport
- Passport from eligible countries including EU/EEA
- Driving licence (driving licences without a photo are not acceptable)
- EU/EEA National Identity card
- UK birth certificate (under 18s only)
- National Insurance Card (Under 18s only)
- Medical card (under 18s only)

#### **Section B - Something with your current home address (less than three months old)**

- Utility bill
- Phone bill
- Local authority council tax bill
- HMRC tax code notification
- Benefits or pensions notification letter confirming the right to benefit

In the case of a child or young person please also sent in a copy of their birth certificate or their passport if they have their own passport.

\* If a child or young person does not agree to disclosure there are still some circumstances in which information can be disclosed for example, when it is in the best interests of the child or young person who does not have the maturity or understanding to make their own decision about disclosure

### How much will it cost?

Request for records are now free of charge. However, if CHUMS believes your request to be manifestly unfounded or excessive there are two options available:

1. We can request a “reasonable fee” to deal with the request, which will be based on the administrative costs of complying with the request; or
2. We may refuse to deal with the request.

If we decide to charge a fee we will promptly notify you of the reasons why and the amount before completing the request. If we refuse to deal with your request, we will promptly notify you of the reasons why.

### How long will it take?

CHUMS must comply with its obligations under the GDPR promptly and within 1 month from the date of receive the request. Should further information or identification be required, we will write to you asking for this information within a few days of receiving the request. We ask for a timely response so your request can be processed within the required time scale. CHUMS can extend the time to respond by a further two months if the request is complex or we have received a number of requests from the same individual. Should we seek to extend the time to respond, we must notify the individual of the request to extend without undue delay and within one month of receiving the request and explain the reasons for the extension.

### For further information contact

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