

## Confidentiality and Privacy Statement for Governors and Members

Updated on 8<sup>th</sup> April 2020

Medway NHS Foundation Trust (**the Trust**) Windmill Road, Gillingham, Kent ME7 5NY uses personal information about members of the Trust and the Trust's governors. It also uses personal information about people applying to become a member or governor.

This notice explains how the Trust uses and manages the information it holds about you, including how the information may be shared with other NHS organisations and non- NHS organisations, and how the confidentiality is maintained.

We may refer to different types of information such as “**personal data**” and “**special personal data**”.

Personal data is any information about a living individual who can be identified from that information.

There are special rules that apply to “**special personal data**”. Special personal data includes information about:

- your health (including mental health)
- genetic data and biometric data where processed to uniquely identify an individual
- your sex life
- sexual orientation
- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership

### What information do we collect?

When you first apply to join the Trust we ask you to provide us with the following details:

- facts about you e.g. name, address, date of birth, nationality, gender, contact details.
- which constituency of the Trust you belong to – public, staff or governors.
- details of any disability or health issue that means we need to make arrangements to enable you to participate more easily .
- information about your ethnicity, religious beliefs and sexual orientation.
- Providing this information is voluntary.
- any data obtained by the Trust via an application or an existing staff member, will not be in an anonymised form and will include the data listed in this sections.
- details of any previous convictions and applicability to work with young people or vulnerable patients.
- the name and contact details of someone who the Trust can contact in an emergency.
- Your bank account details.

We may also apply for DBS checks if they are relevant to your role mainly for staff who also apply to be members.

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This information is normally initially provided to the Trust by either a prospective member completing the online Application form (via the Trust's website) or by a prospective Governor contacting the Membership Office and further completing an application form (via the Trust's website). There are also hardcopy applications which can be obtained by contacting the Trust's Membership Office on: 01634 825292.

During your role as a Governor or Member we may obtain or generate more information about you e.g.:

- any issues, including health issues that affect your participation.
- attendance at meetings and reasons for unavailability e.g. holidays, caring responsibilities, maternity leave, paternity leave, sickness etc.
- any interests or conflicts of interests that are relevant to your role
- any issues about your conduct in your role
- communicating with you
- records of what is said in meetings

The purposes for which we use your information

- We may use your personal data to administer Trust meetings, elections and business, e.g. sending you notice of meetings and producing minutes
- monitor equality and diversity (all data in relation to this will be anonymised)
- make adjustments to enable you to better participate, including adjustments to accommodate health issues
- contact your emergency in an emergency
- offer and deliver training to you as well attending events, research projects and any other matters which you have raised a formal interest in

The Trust also has CCTV cameras on its premises. Further information can be found on the intranet under the CCTV policy which is available via the Trust intranet or upon request

### Sharing your information

The Trust may need to share your personal data with other organisations. This includes sharing with:

- Member's Engage Services which maintain and hold the Trust's membership database
- the Election Provider which currently is Electoral Reform Services( , we will notify you of any change in provider)r.
- The Picker Institute to enable you to take part in staff surveys

Please note, majority of this list will mainly apply to members who are staff at the Trust and only in the capacity as a staff member.

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### How long will you keep personal data about me for?

We keep your personal information in line with our Records Retention Policy which can be found here which is available via the Trust intranet or upon request

### Will you transfer my data outside of the EU?

No identifiable information about governors, members, prospective governors or prospective members is transferred outside of the EU.

### What rights do I have?

The General Data Protection Regulation (GDPR) gives individuals rights about their personal data. These rights do not always apply. You can find out more about your rights under the GDPR through the Information Commissioner's Office <https://ico.org.uk/>

Information Commissioner's Office

Wycliffe House Water Lane Wilmslow Cheshire

SK9 5AF

Tel: 0303 123 1113

You have the right to request **access to your personal data**.

You have the right to **object** to us holding your personal data.

You have the right to request that personal data about you that is factually incorrect **rectified** by being amended or supplemented with additional information.

You have the right to request that the processing of your personal data is **restricted**.

You have the right to **data portability**. Where this right applies an organisation can be required to provide you with a copy of your personal data in machine-readable format or provide it to a third party.

More details about your rights and how to exercise them can be found here <https://ico.org.uk/>. This includes guidance on how to access records on behalf of someone else, including children or a deceased patient.

If you do not think that we have complied with your data protection rights you can appeal to the Information Commissioner's Office. You can do this by contacting <https://ico.org.uk/>

Information Commissioner's Office

Wycliffe House Water Lane Wilmslow Cheshire

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### Contact information

We have also appointed the Interim Information Governance Manager as acting Data Protection Officer (DPO) for the Trust. They are contacted via email on [medwayft.dpo@nhs.net](mailto:medwayft.dpo@nhs.net)

Please contact the DPO if you have any queries about how the Trust uses your personal data, the rights that you have about your personal data or the content of this notice.

### CONDITIONS FOR PROCESSING

This table sets out the legal conditions that the Trust relies on to process your personal data for each of the purposes set out in this notice. The articles referred to in the table are in the General Data Protection Regulation, commonly known as the GDPR. If we are using special personal data we need to meet one of the conditions listed at article 6 and one of the conditions listed at article 9. If we are using personal data that is not special personal data we need to meet one of the conditions listed at article 6 (we do not need an article 9 condition).

Purpose	Condition
Administer Trust meetings, elections and business, e.g. sending you notice of meetings and producing minutes	Performance of a public task – Art 6(1)(e)
Monitor equality and diversity	Compliance with a legal obligation – Art 6(1)(c) Substantial public interest – Art 9(1)(g)
Make adjustments to enable you to better participate, including adjustments to accommodate health issues	Compliance with a legal obligation – Art 6(1)(c) Substantial public interest – Art 9(1)(g) Provision of health and social care – Art 9(2)(h)
Contact your emergency in an emergency	Performance of a public task – Art 6(1)(e) or pursuit of legitimate interests – Art 6(1)(f) depending on the nature of the emergency and whether it is about the delivery of NHS services.
Offer and deliver training to you	Performance of a public task – Art 6(1)(e)