

Privacy Notice

Northern Ireland Electronic Care Record (NIECR)

What is the Northern Ireland Electronic Care Record (“NIECR”)?

The Northern Ireland Electronic Care Record (“**NIECR**”) is a computer system which has been in operation since 2013 which allows Health and Social Care (“**HSC**”) professionals and authorised staff such as doctors, nurses, and social workers, as well as certain authorised administrative staff, to input and access important information about their patients’ medical and social care history. The NIECR contains information from hospitals and clinics throughout Northern Ireland.

NIECR is governed by a Steering Group providing clinical engagement and leadership. The Steering Group ensures NIECR continues to be aligned with Departmental and HSC Strategy, provides clinical governance, operational and quality assurance and to provide advice and guidance on business and operational issues.

NIECR is managed within BSO ITS services. BSO is deemed the processor of the data.

This Privacy Notice will set out the following:

- The Data Controllers
- Your information – how it is collected
- Your information – how it is used
- Why your health information is processed
- The laws governing the processing and protection of your personal information
- How your information is used to help you
- How your information is used to help
- Sharing information
- Storing your information
- Security of your information
- Your Rights
- Further information

The Data Controllers

The data controllers for the NIECR system are:

- Belfast Health and Social Care Trust, Data Protection Officer, 1st Floor, Administration Building, Knockbracken Healthcare Park, Saintfield Road, Belfast BT8 8BH
DataProtection@belfasttrust.hscni.net
- South Eastern Health and Social Care Trust, Information Governance Department, Lough House, Ards Community Hospital, 23 Church Street, Newtownards, BT23 4AS
informationgovernance@setrust.hscni.net
- Southern Health and Social Care Trust Information Governance, 10 Moyallen Road, Gilford BT63 5JX
Foi.Team@southerntrust.hscni.net
- Northern Health and Social Care Trust Information Governance Office, Causeway House, 8e Coleraine Road, Ballymoney, County Antrim, BT53 6BP
info.governance@northerntrust.hscni.net
- Western Health and Social Care Trust, Information Governance Office; Tyrone & Fermanagh Hospital, 1 Donaghane Road; Omagh; Co. Tyrone; BT79 0NS
Information.Governance@westerntrust.hscni.net
- GP Practices. Contact details for GPs and Out of Hours GP services can be located via:
 - <https://hscbusiness.hscni.net/services/1816.htm> or
 - <https://www.nidirect.gov.uk/articles/gp-out-hours-service>

If you require further information on how to contact your local care providers, these can be found at <https://www.nidirect.gov.uk/contacts/health-and-social-care-trusts>

Your information – How it is collected

The NIECR system contains information that is needed to provide care and support within Health and Social Care Northern Ireland (HSCNI) and by other providers as set out below at '*Sharing information about you and your care*'. This will include your name, address, date of birth, contact details and relevant health and social care history.

Information provided is frequently recorded electronically and processed in your NIECR computer file. This can include information you provide in person, on an official form (either online or in paper form) or by telephone. Your record may also contain information about you obtained from other people, for example, your family, carers, other health professionals, or if necessary, other external agencies.

Your information – How it is used

The information that is stored in your NIECR record includes:

- Personal data such as your address, date of birth, Health and Care number, hospital numbers, GP details.
- Encounters – visits to hospitals and Out of Hours Centres, including clinics, inpatient stays, A&E attendances, plus appointments booked for the future.
- Referral letters, discharge letters and other clinical correspondence.
- Medicines.
- Allergy information if recorded at hospital or with your GP.
- Illnesses (e.g., diabetes, heart conditions etc.).
- Treatments you are receiving; and
- Laboratory and radiology results.
- Social care records including Child Protection Register.

To provide you with safe and effective health and/or social care services, your NIECR record may need to be shared with authorised individuals who are directly involved in your health and social care. When required, authorised staff access the information displayed within the NIECR system that is necessary to perform their duties. Access to your NIECR records is strictly in accordance with the UK General Data Protection Regulation (“UK **GDPR**”) and the Data Protection Act 2018 (“**DPA**”). Please see section ‘*The laws governing the processing and protection of your personal information*’ for the relevant legislation links.

All authorised staff are obliged, within their contracts of employment, within their professional Codes of Conduct (as applicable) and by the common law duty of confidentiality to ensure that all personal information contained within the NIECR is treated with the highest possible levels of confidentiality. Please see further section ‘*The laws governing the processing and protection of your personal information*’ for further information regarding the statutory data protection requirements with which HSCNI staff must comply.

Please refer to section '*Sharing information about you and your care*' for more detail. Patient information that is collected and displayed in NIECR is respected and security measures are in place to protect it.

Why your health information is processed

We use your NIECR record to:

- Guide – it helps HSCNI assess your needs and make decisions with you.
- Record – it helps to document the care you receive - referrals, appointments, and services.
- Review and support carers – if you care for someone, it may be necessary to review your NIECR information to assess additional support for you or the people you care for.
- Provide up-to-date information - helping to provide better care.
- Provide faster care – sharing information on NIECR means you can receive help quick.
- Improve Services - on occasions data is shared safely in a way that does not identify the individual patient. This is called anonymised information and can be used for planning and audit purposes – this helps make best use of resources, supporting prevention of ill health and improving treatment. Information is anonymised prior to sharing.
- Train and educate staff – patient care is reviewed to ensure good practice across the services offered to you and your family.
- Review deaths - multidisciplinary mortality reviews; deaths that occur in HSC Trusts are subject to review. This includes the multidisciplinary team providing the direct patient care reviewing the treatment and care provided and acting upon any learning lessons identified. This improves the quality of care for patients as well as patient safety.

The laws governing the processing and protection of your personal information

Processing

'Processing' is any operation performed on personal data and includes collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, disclosure, dissemination, restriction, erasure, or destruction. As such, if authorised staff access your NIECR records, this amounts to 'processing' for the purposes of the UK GDPR and DPA. Such 'processing' must comply with the UK GDPR and DPA.

Legal basis for Processing

The legal basis for most of the processing of personal data via the NIECR is that such processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller*” (UK GDPR Article 6(1)(e)). As per Section 8 DPA, this includes processing which is necessary for “*the exercise of a function conferred on a person by an enactment or rule of law*” or “*the exercise of a function of the Crown, a Minister of the Crown or a government department.*” Permitting access to the NIECR is part of the Data Controllers fulfilling their statutory functions as set out in legislation (for example Health and Social Care (Reform) Act (NI) 2009 (as amended)).

Where there is a specific legal obligation that requires the processing of personal data, the legal basis is “*processing is necessary for compliance with a legal obligation to which the controller is subject*” (UK GDPR Article 6(1)(c)).

Lawful Processing Condition

As accessing the NIECR involves processing special category personal data (including personal data concerning health) an additional condition in the UK GDPR must also be met. Article 9 (1) of the UK GDPR general prohibits the processing data concerning health. As such, any processing of data concerning health (e.g., personal data as held on the NIECR) must fall within one of the exemptions to the Article 9(1) prohibition. UK GDPR Article 9 (2) (h) states that the general prohibition on processing data concerning health shall not apply if such “*processing is necessary for the purposes of preventive or occupational medicine, ... medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law.*” Such processing must be “*processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.*”

This is further defined and detailed in DPA Section 10 and DPA Schedule 1 Part 1.

We are also obliged to comply with the following law and professional guidance:

- Health and Social Care (Reform) Act (Northern Ireland) 2009
- Department of Health Code of Practice on Protecting the Confidentiality of Service User Information
<https://www.health-ni.gov.uk/sites/default/files/publications/health/user-info-code2019.pdf>

- GMC guidance on patient confidentiality
<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/confidentiality/using-and-disclosing-patient-information-for-direct-care>

How your information is used to help you

Storing data on the NIECR system means:

- your information is kept accurate and up to date.
- your information is available when you it is needed to provide care or treatment to you (for example, attending another hospital in an emergency which may prevent repeat tests)
- decisions on the medical priorities for referrals quicker and assign urgent appointments can be made faster.
- information can be provided to a representative (for example a family member if this is appropriate); and
- the best possible care is provided, and you receive the right treatment.

How your information is used to help

Your information is used by authorised staff to view your summary details on screen quickly, and to easily access the relevant part(s) of your patient record when needed. This enables authorised staff to view services you have received; tests you have had carried out and appointments you have attended.

Your information may also be used anonymously for processing and reporting on behalf of the Health and Social Trusts. This can also help assess how to deliver better services to our patients.

Sharing information about you and your care

Your NIECR record will be shared, if required, with appropriate individuals in the following areas. Please note that this list is not exhaustive:

- Family practitioner services incl. general practice
- Acute services in hospital
- Outpatient services in hospital
- Community services such as Social Care
- Community based optometry
- Northern Ireland Blood Transfusion Service
- Northern Ireland Ambulance Service Health and Social Care Trust

- Northern Ireland Hospice
- Foyle Hospice
- Southern Area Hospice Services
- Marie Curie Hospice, Belfast
- Strategic Planning and Performance Group
- Forensic Medical Officers
- Independent Healthcare Providers
- Queen's University Belfast
- Business Services Organisation
- IT systems software suppliers
- Community Pharmacists

This will include people such as:

- GPs
- Doctors
- Nurses
- Social workers
- Optometrists
- Pharmacists
- Clinical Administration
- IT professionals

Access is based on role type so the NIECR information available to each of these users will depend on their access level. Safeguards are in place to enable staff to access summary information about a patient only when it is relevant to their job and appropriate to do so. Authorised staff may only access full NIECR records where there is a clinical need to do so.

The term 'role' refers to specific job title. For example, a consultant will have full access to the relevant patient information on NIECR. Similarly, a Cardiology consultant (a doctor with a specialist in dealing with patients who have heart conditions) will have access to all a patient's medical records to build up a complete picture of their patient's health. This is to provide the best possible care for that patient. Whereas an NIECR user with an administrative role would only have limited NIECR access such as being permitted to view information related to their administrative role e.g., referral letter lists and outcomes which help them to book further patient appointments or blood results to be able to give patients their blood results if appropriate.

The software suppliers provide the technical support to ensure the systems are working effectively. Your information will only be shared to resolve technical errors or issues following secure protocols in line with applicable organisational policies. Should

personal data be necessary to resolve an issue, the minimal information possible will be shared with the relevant software supplier.

Information is only shared when necessary. Procedures are in place to deal with any suspected data security breach and you, and any applicable regulator will be notified of a suspected breach where legally required to do so.

Should NIECR receive requests for information from external bodies each will be considered on an individual basis, by the data controller(s).

This Privacy Notice and the list of organisations that are part of NIECR will be reviewed 3 years from date of final approval, as required, or in the event of significant change.

Information shared by law

There may be occasions where your information can be shared with other organisations, but this will only happen in very specific circumstances. This may include (but is not limited to) data:

- required by law or by a court order.
- necessary to meet the requirements of Section 66 of the Children (Northern Ireland Order (1995)).
- necessary to detect or prevent a crime, including allegations or suspicions of fraud.
- necessary to protect the public from serious harm e.g., the protection of vulnerable adults; or
- required for monitoring certain health conditions e.g., infectious diseases.

Storing your information

Patients' information is currently stored in line with legal requirements as per UK GDPR and DPA 2018. Patients' information is currently retained in accordance with Department of Health Good Management Good Records Guidelines Disposal Schedule. The precise retention period for any record will vary depending on the nature of the information.

Please see the following link to the retention and disposal schedules:

<https://www.health-ni.gov.uk/articles/records-disposal-schedules>

Security of your information

- All HSC staff are required to complete information governance training regularly.
- Governance policies and procedures are in place; these are available on all of the Health Trusts' websites.
- All authorised staff who have access to NIECR have appropriate access levels for their role, not everyone who has access to the system can view your personal information. This is known as controlled access.
- A record is kept every time a member of staff accesses your information on the NIECR. Appropriate checks and audits may be carried out on this activity to ensure that only authorised staff are accessing personal information.
- There are security measures put in place to ensure a high standard of IT security across all HSC Services protecting them from all threats. These could be internal, external, deliberate, or accidental threats.

Will my personal data be transferred outside of the UK?

No data within the NIECR is transferred outside the UK. However, if data is to be transferred outside the UK, the provisions of Chapter V of the UK GDPR will be complied with prior to any transfer being made.

Automated Decision making

When relevant there is an obligation to let individuals know of the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. More information is available at [What is automated individual decision-making and profiling? | ICO](#)

NIECR does not use automated decision making.

Your Rights

Right to Object

Article 21 of the UK GDPR gives individuals the right to object to the processing of their personal data at any time. In the case of data being processed within the NIECR system this right to object is not absolute. An individual must give specific reasons why they are objecting to the processing of their data. These reasons should be based upon their situation. More information may be found at [Right to object | ICO](#).

If you require more information on this, please contact your care providers. Contact details are noted earlier in this document.

Right to Rectification

If you feel that anything contained within your NIECR record is inaccurate, then under Article 16 of the UK GDPR you have the right to have inaccurate personal data rectified.

If you have a concern about an inaccurate record, please contact your care providers. Contact details are noted earlier in this document.

Right to Erasure

In some instances, individuals have the right to ask for their personal information to be erased (the right to erasure). More information may be found at [Right to erasure | ICO](#).

However, the right to erasure does not generally apply for information held within the NIECR system. Article 17(3)(c) of UK GDPR states that the right to erasure “*shall not apply for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3).*”

Right of Portability

The right to data portability is set out within Article 21 of the UK GDPR. As neither consent nor performance of a contract are relied upon as the lawful basis for information processed within the NIECR, and data is not processed via automated means, this right does not apply to the personal data held within NIECR.

Right to Access

You have a right under the legislation to obtain a copy of information held about you. If you want to see the information held about you, or ask about how it is used, you should approach to your GP or other HSC professional that you may be seeing initially.

To formally request access to your NIECR, or any health and care record (a Subject Access Request) you need to write or speak to your GP Practice or the HSC Trust where you are receiving or have received care. In most cases, the deadline for response will be one calendar month, although this can be extended to 3 months where a request is deemed ‘complex’.

UK GDPR gives individuals the right to request erasure of or correction of their personal data. As mentioned above the right to erasure will generally not apply to information held within the NIECR system, but if you feel that information being held is inaccurate then any such concerns should be considered by the relevant data controller(s).

If you require more information on this, please contact your care providers. Contact details are noted earlier in this document.

Is there any information that I cannot, see?

There are occasions when other people have provided information relating to your care. There is a duty to keep certain information confidential and may not be able to share it with you. There are some other instances when information cannot be legally shared or released, for example investigations conducted by the Police.

Right to Complain

If you would like to know more about how your information is used and your rights or if you wish to make a complaint, please contact your care providers. Contact details are noted earlier in this document.

Further Information

If you have any further concerns or queries on how your personal data is being processed or to lodge a complaint directly with the supervisory authority, you have the right to contact the Information Commissioners Office at:

Information Commissioner's Office,
Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF

Tel: **0303 123 1113**

<https://ico.org.uk/global/contact-us/>