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# Sandwell and West Birmingham NHS Trust

# Privacy Notice

# General Section - all research participants

## About this Notice

All NHS organisations (including Health & Social Care in Northern Ireland) are expected to participate in and support health and care research. The Health Research Authority and government departments in Northern Ireland, Scotland and Wales set standards for NHS organisations to make sure they protect your privacy and comply with the law when they are involved in research. [Research ethics committees](https://www.hra.nhs.uk/about-us/what-we-do/how-we-regulate-health-and-social-care-research/) review research studies to make sure that the research uses of data about you are in the public interest, and meet ethical standards.

Health and care research may be exploring prevention, diagnosis or treatment of disease, which includes health and social factors in any disease area. Research may be sponsored by companies developing, but not limited to, new medicines or medical devices, NHS organisations, universities or medical research charities. The research sponsor decides what information will be collected for the study and how it will be used.

This Notice is to tell you what information:

* We collect and hold about you,
* What we do with it,
* How we will look after it and,
* Who we may share it with when we use your personal data to ask for your feedback as part of the work.

We also explain your rights in respect of your information and the choices you can make about the way your information is used and how you can object to us processing your personal data for this purpose.

We are happy to provide any additional information or explanation needed. Please see the section entitled [Sandwell and West Birmingham NHS Trust Contacts](#CCGInformationHandlingContacts) below.

## Letting you know when things change

We check these details regularly to make sure that they are up to date and tell you how we are using your information. The last time these details were checked was September 2020.

**Who we are and what we do**

Sandwell and West Birmingham NHS Trust is an integrated care organisation. We are dedicated to improving the lives of local people, to maintaining an outstanding reputation for teaching and education, and to embedding innovation and research. Together with Sandwell and West Birmingham Clinical Commissioning Group we are responsible for the care of 530,000 local people from across North-West Birmingham and all of the towns within Sandwell.

As an NHS organisation we use personally-identifiable information for clinical work, however, wherever possible we will de-identify this data to conduct research to improve health, care and services. In the circumstances that we need to use identifiable data for research, we, as a publicly-funded organisation, have to ensure that it is in the public interest.  This means that when you agree to take part in a research study, we will use your data in the ways needed to conduct and analyse the research study. If you withdraw from the study, we will agree with you whether we can use existing data for the project. To safeguard your rights, we will only use the minimum information necessary so that we can achieve the research goals.

Members of your care team may look at your health records to check whether you are suitable to take part in a research study, before asking you whether you are interested or sending you a letter on behalf of the researcher. As a patient, you have a right to choose whether to be involved in any research project that you are told about. If you don’t wish to ever be asked about involvement in research, do please tell your care team or a member of the research team, so that we can record this in your hospital records.

If you would like to find out more about why and how patient data is used in research, please visit the [Understanding Patient Data website](https://understandingpatientdata.org.uk/what-you-need-know).

## Who is responsible for your data

The Sandwell & West Birmingham NHS Trust is registered as the Controller with the Information Commissioners Office. A Controller is an organisation which is responsible for deciding how your information is handled and making sure that your information is protected and used appropriately. The Information Commissioner’s Office is the organisation which makes sure that your information is handled properly.

Sandwell and West Birmingham NHS Trust’s Data Protection Registration Number is **Z6719634**. You can view Sandwell and West Birmingham NHS Trust’s Data Protection Registration here: <https://ico.org.uk/ESDWebPages/Entry/Z6719634>.

## The legal basis we rely upon to process your personal data

The legal basis we rely upon to process your personal data for this project from the General Data Protection Regulation. In particular we rely on

Article 6(1)(e) “necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the Controller”.

And upon,

Article 9(2)(j) “necessary for …” “…scientific or historical research purposes or statistical purposes” to process information about you.

## How we make sure that your information is protected

### Keeping your information safe and secure

We do a number of things to make sure that your information is safe, this includes controlling access to our buildings, making sure that the people we employ are honest and trustworthy and understand how they should handle your information safely.

We ensure that laptops are encrypted, which means that any information held on them is scrambled so that someone who does not have the key cannot gain access to it.

We make sure that the computer systems we use are secure and protected against people who should not have access to your information being able to see it.

The Sandwell and West Birmingham NHS Trust has appointed a Data Protection Officer who, along with the Caldicott Guardian and Senior Information Risk Owner are responsible for the management and protection of personal information.

### Monitoring

Sandwell and West Birmingham NHS Trust will carry out regular checks to make sure that the protection which has been put in place is working properly and that your information is safe and secure.

### External organisations

Sandwell and West Birmingham NHS Trust will make sure that any organisations who provide services, are honest and trustworthy and have appropriate protection in place, including making sure that the people who are employed are fully trained and to make sure that they are trustworthy and honest.

### Securely sharing information with the Research Sponsor

### When you agree to take part in a research study, the sponsor will collect the minimum personally-identifiable information needed for the purposes of the research project.

Sandwell and West Birmingham NHS Trust may have to share your data with approved third parties, including third-party service providers (e.g. cloud computing providers, Universities, other NHS bodies and commercial entities). We require approved third parties to respect the security of your data and to treat it in accordance with the law.

### Securely destroying your information when it is no longer needed

Sandwell and West Birmingham NHS Trust will only keep the de-identified data for the length of the project and any additional retention period required by the Regulatory Bodies. This research data will not be re-purposed by the sponsor or the researchers.

Before any electronic storage devices are disposed of, the device will either be physically destroyed, so that information cannot be retrieved from it, or the information held on the device will be overwritten multiple times which results in the deleted information being completely removed from the device.

In some circumstances we may fully anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

### Keeping information for future research

Information about you that is collected during a research study may be kept securely to be used in future research in any disease area, including research looking at social and economic factors affecting health. This may include combining it with information about you held by other health or government organisations such as [NHS Digital](https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information). Doing this makes the best use of the information you have kindly provided and allows researchers to discover more.

Researchers may not be able to specify all the possible future uses of the information they keep. It could include providing the information to other researchers from NHS organisations, universities or companies developing new treatments or care. Wherever this happens it will be done under strict legal agreements. The information about you will be de-identified wherever possible so that you cannot be identified. Where there is a risk that you can be identified your data will only be used in research that has been independently reviewed by an ethics committee.

## Location of processing

All personal data processed as part of any research project, where Sandwell and West Birmingham NHS Trust is the sponsor, is processed within the UK.

## What to do if you are unhappy with the way we use your information

If you are concerned, or not happy with the way we have collected or used your information, you can contact the [Data Protection Officer](#CCGInformationHandlingContactsDPO), or the [Information Governance Team](#CCGInformationHandlingContactsIGTeam) using the contact details below.

You can also raise a complaint with our [Complaints Team](#CCGInformationHandlingContactsQuality) using the contact details above.

You can also tell the organisation which is responsible for making sure that your information is handled properly, this organisation is called the **Information Commissioner’s Office** who can be contacted at:

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| **Postal Address:** | Information Commissioner’s Office  Wycliffe House  Water Lane  Wilmslow  Cheshire  SK9 5AF |
| **Telephone Number:** | 08456 30 60 60 or 01625 54 57 45 |
| **Website Address:** | [www.ico.org.uk](http://www.ico.org.uk) |

## Your rights

Under the General Data Protection Regulations you have a number of rights over how we handle the personal information we process about you as part of project, they are:

The right to object

You have the right to object to the processing of your personal data for a specific project. If you want to object, please see the contact details included in the Participant Information Sheet for the project.

The right of access

You have the right to request a copy of the personal data we hold about you; this will be free of charge. If you want to request a copy of the personal data we hold about you, please contact the Governance Support Unit on 0121 507 5836, or e-mail [swb-tr.SWBHRecordsRequests@nhs.net](mailto:swb-tr.SWBHRecordsRequests@nhs.net).

The right to rectification

If you think that any of the data the hospital collects about you is incorrect or incomplete, you have the right to ask us put it right, please contact your care team.

The right to restriction of processing

If there is a disagreement regarding the accuracy or completeness of your personal data, access to your data, you may ask us to restrict it, where possible, until the accuracy of your data has been confirmed.

You can also request that a restriction on processing is placed on your personal data, where possible, if you need us to keep it longer than we normally would, so that you can establish, exercise, or defend any legal claims, or if you have objected to the processing and you are awaiting confirmation that your request has been actioned.

Right to withdraw consent

Where the legal basis for the Common Law Duty of Confidence is explicit informed consent, you have the right to withdraw consent at any time. It must be as easy to withdraw consent, as it is to give it. If you wish to withdraw consent at any time, you can contact the researchers, using the details provided in the Participant Information Sheet and/or the Research Information provided for you.

### The right to lodge a complaint with the Information Commissioner’s Office

### If you are unhappy with the way we handle your personal information, you can make a complaint to the Information Commissioner’s Office, who are the Regulator for the General Data Protection Regulations and the Data Protection Act 2018.

**National patient opt-out**

### As well as choosing not to participate in research offered to you within the Trust, you can choose to opt out of your care record being used for research where there is no requirement for a consent discussion. In England you can register your choice to opt out nationally via the [NHS website](http://www.nhs.uk/my-data-choice). If you do choose to opt out you can still agree to take part in any research study you want to, without affecting your ability to opt out of other research. You can also change your opt-out choices at any time.

**Further information**

If you have any queries, or want to know more about the way we use your personal information for project, or if you don’t want us to use your information in any of the ways listed below, please contact a member of the research team provided to you on your participant information sheet.

**Sandwell and West Birmingham Hospitals NHS Trust Contacts**

Although all NHS staff have a legal duty to keep your personal information confidential, the Trust has identified specific people who are responsible for making sure that your information is handled properly and your rights and wishes are respected. If you have any concerns or queries about how we collect, use, and share your information, you can contact the people below directly.

Caldicott Guardian

We have a person called a Caldicott Guardian who is responsible for making sure that your information is handled properly in line with your rights and the law. Our Caldicott Guardian is:

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| **Caldicott Guardian:** | Dr David Carruthers |
| **Postal Address:** | Sandwell and West Birmingham Hospitals NHS Trust  Lyndon  West Bromwich  B71 4HJ |
| **Telephone Number:** | 0121 553 1831 |
| **E-mail Address:** | [igovernance@nhs.net](mailto:igovernance@nhs.net) |

Senior Information Risk Officer (SIRO)

We have a Senior Information Risk Officer (known as a SIRO) who is responsible for ensuring that your information is handled securely. Our SIRO is:

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| **Senior Information Risk Owner:** | Kam Dhami |
| **Postal Address:** | Sandwell and West Birmingham Hospitals NHS Trust  Lyndon  West Bromwich  B71 4HJ |
| **Telephone Number:** | 0121 553 1831 |
| **E-mail Address:** | [igovernance@nhs.net](mailto:igovernance@nhs.net) |

Data Protection Officer

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| **Data Protection Officer:** | Susan Rudd |
| **Postal Address:** | Trust Headquarters  Health and Wellbeing Centre  Sandwell General Hospital  Lyndon  West Bromwich  B71 4HJ |
| **Telephone Number:** | 0121 553 1831 |
| **E-mail Address:** | [swbh.swbdpo@nhs.net](mailto:swbh.swbdpo@nhs.net) |

We have a Data Protection Officer (known as a DPO), reporting directly to the highest level of management within the Trust.

The Data Protection Officer acts independently and is responsible for informing and advising the Trust and our staff of their obligations under Data Protection law The DPO is also responsible for awareness-raising, staff training, the provision of advice, and monitoring the Trust’s compliance with all European and UK data protection law and the Trust’s data protection related policies.

Information Governance Team

The Information Governance Team is responsible for supporting the Caldicott Guardian, Senior Information Risk Officer and the Data Protection Officer in ensuring that your personal information is collected, used and shared appropriately, securely and in line with the law.

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| **Sandwell and West Birmingham Hospitals NHS Trust - Information Governance Team:** | Sandwell and West Birmingham Hospitals NHS Trust – FAO Information Governance Team |
| **Postal Address:** | Sandwell and West Birmingham Hospitals NHS Trust  Lyndon  West Bromwich  B71 4HJ |
| **Telephone Number:** | 0121 507 4681/0121 507 3782 |
| **E-mail Address:** | igovernance@nhs.net |

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### Complaints Team

The Complaints Team is responsible for handling any complaints or concerns you may have about the handling of your information.

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| **Sandwell and West Birmingham Hospitals NHS Trust - Complaints Team:** | Sandwell and West Birmingham Hospitals NHS – FAO Quality Team |
| **Postal Address:** | Complaints Department  Sandwell & West Birmingham Hospitals NHS Trust  City Hospital  Dudley Road  Birmingham  B18 7QH |
| **Telephone Number:** | 0121 507 4346 (10 am until 4 pm, Monday to Friday) |
| **E-mail Address:** | swbh.complaints@nhs.net |