

Privacy Notice – Pathology Services

Berkshire and Surrey Pathology Services (**BSPS**) is a joint venture between Frimley Health NHS Foundation Trust (**Frimley NHS Trust**), Royal Berkshire Hospital NHS Foundation Trust, Ashford and St Peter's NHS Foundation Trust and Royal Surrey NHS Foundation Trust and Surrey & Sussex Healthcare NHS Trust (each a **Partner**, and together the **Partners**). Frimley Health NHS Foundation Trust is the host organisation entering into contracts on behalf of BSPS.

This privacy notice applies to personal data processed by Berkshire and Surrey Pathology Services.

BSPS respects your privacy and is committed to protecting your personal data. This privacy notice will tell you about the personal data we process for the management of the BSPS, your privacy rights and how the law protects you. It provides you with certain information which must be provided under the UK General Data Protection Regulation (UK GDPR).

Data protection principles

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The kind of information we hold about you

In connection with providing pathology services to you, we will collect, store, and use the following categories of personal and sensitive personal information about you:

- The information we receive from a clinician requesting a pathology test for you. This includes details of your name, surname, date of birth, address, NHS number, hospital number, gender, details of the tests being requested, and details of the samples being provided (i.e. blood, urine, faeces, tissue, swab).
- The information you may provide to us in connection with the pathology tests we carry out for you.
- The results of your tests (we will share the results with the requesting clinician).
- Where relevant, the information that is necessary to process invoices including patient demographics, financial, bank and credit card information, medical and insurer specific information such as insurer name and policy/ identification details.

How is your personal information collected?

We collect personal information about you from the following sources:

- Clinicians requesting tests/ services for you.
- From the Partner Organisations which make up Berkshire and Surrey Pathology Services (BSPS):

- Surrey and Sussex Healthcare NHS Trust

<https://www.surreyandsussex.nhs.uk/>

- Ashford and St. Peter's Hospitals

<https://www.ashfordstpeters.nhs.uk/>

- Royal Berkshire NHS Foundation Trust

<https://www.royalberkshire.nhs.uk/>

- Royal Surrey NHS Foundation Trust

<https://www.royalsurrey.nhs.uk/>

- Other NHS Organisations:

- Surrey, Sussex, Berkshire GP practices
- Surrey and Borders Partnership NHS FT

<https://www.sabp.nhs.uk/>

- Berkshire Healthcare NHS Trust

<https://www.berkshirehealthcare.nhs.uk/>

- Buckinghamshire NHS Foundation Trust

<https://www.buckshealthcare.nhs.uk/>

You may give us information by accessing or filling in forms on BSPS website or by corresponding with BSPS via its products and services, by phone, e-mail or otherwise.

We work in collaboration with other NHS Organisations who will be able to see your information when you are being treated by them, these are:

- Imperial College NHS Foundation Trust (ICH)
- Chelsea and Westminster Hospital NHS Foundation Trust (CWH)
- Buckinghamshire Healthcare NHS Trust (BHT)
- University Hospitals Sussex NHS Foundation Trust (UHS)

How we will use information about you

We will use the personal information we collect about you to:

- Provide pathology services, which includes:

- processing, testing, analysing and reporting to the requesting clinicians on samples provided (i.e. blood, urine, faeces, tissue, swab);
- associated records retention in accordance with Royal College of Pathologist Guidelines and processing of bills for payment;
- providing test requesting and results delivery management tools;
- processing invoices on behalf of various parties, such as clinicians, hospital and insurers;
- for process management and improvement;
- notifying you or your clinician about changes to BSPS' products and services and to otherwise manage our communications with you; and/or
- to comply with legal and/or regulatory requirements.

Lawful basis

We rely on the following lawful bases to process your data:

- Article 6(1)(e) processing is necessary for the performance of a task carried out in the public interest – in particular the provision of healthcare via pathology services
- Article 6(1)(c) processing is necessary for compliance with a legal obligation – in particular, our legal and regulatory requirements including record retention and audits.
- Article 9(2)(g) processing is necessary for the provision of healthcare

Why might you share my personal information with third parties?

We may disclose/ share your information with selected third parties including:

- the Partners of BSPS (listed above);

- business partners, referral laboratories, suppliers, insurers, logistics companies, debt management agencies, and sub-contractors required for the performance of any contract BSPS entered into with them, you or your clinician;
- for the purposes of investigating any potential legal claims against BSPS and/or any of the Partners, your information may be shared with our insurers and/or legal representatives in order to obtain advice and services;
- national screening or public health monitoring schemes such as Public Health England;

We may also share/ disclose your personal information to third parties if BSPS and/or any of the Partners are under a duty to disclose or share your information in order to comply with any legal obligation, or in order to deliver the pathology services in the public interest.

When we share such information, we ensure that we are only sharing as much information as it required to fulfil the purpose for which we are sharing it.

International Data Transfers

We may transfer your personal data to countries outside the European Economic Area (EEA) where necessary to fulfil our legal obligations or in connection with the purposes described in this notice. These countries may not have the same level of data protection laws as those within the EEA. Where such transfers occur, we will ensure appropriate safeguards are in place, such as Standard Contractual Clauses approved by the European Commission, or we will ensure the transfer is otherwise permitted under applicable data protection laws.

Data security

We have put in place security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have deployed technical security measures to keep your information secure when being stored or transferred electronically, this includes ensuring all security software and encryption is up to date helping to prevent the risk of cyber-attack.

Where are store your information

We will not transfer your information outside the the EEA..

How long will you use my information for?

BSPS is a consortium of NHS organisations (set out above) who are required to store your information in accordance with the NHS retention policy. More information on the retention of records in the NHS can be found on the NHS Digital website.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information in certain circumstances. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) or the performance of a task in the public interest, and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you in certain circumstances, for example if you want us to establish its accuracy or the reason for processing it.

If you would like to exercise any of your data protection rights, please refer to the Trust's website "Requesting copies of records":

[Patient information | NHS Frimley Health Foundation Trust \(fhft.nhs.uk\)](https://fhft.nhs.uk)

We are required to respond to you within 1 calendar month from the date of receiving your request and identification.

Data protection officer

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO at fhft.information.governance@nhs.net. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO) who is responsible for data protection issues in the UK.

Your right to complaint

If you have any concerns about our use of your personal information, you can make a complaint to us at fhft.information.governance@nhs.net.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113
ICO website: <https://www.ico.org.uk>