

Information handling and data confidentiality within HPS

This leaflet provides details about the information that HPS collects, why and how it collects data and what it does with it. It explains the safeguards and legal requirements which govern what HPS does and what is done to ensure the security, privacy and confidentiality of any personal information collected.

HPS is part of the NHSScotland (NHSS) and is responsible, on a national level, for the collection of information on infectious diseases and environmental health hazards. In order to carry out its functions, HPS needs to collect a wide range of information about people and their illnesses. Much of this information relates to individuals and includes their personal details. This type of confidential information is collected and processed in accordance with legal requirements and with standard NHSS codes of practice.

Who is information collected from?

HPS collects a small amount of information from NHSS patients directly, however, most of its data is collected indirectly from other organisations within the NHSS. Data is sent from NHSS hospital laboratories and other laboratories, from General Practitioners (GP), hospital clinicians, NHSS Boards and many others on a routine basis. In some cases, individual patients are contacted directly, or via an intermediary such as their GP, to provide additional information relating to their health status, either as a one off enquiry or as a regular follow up procedure.

What sort of information is collected?

HPS is mainly interested in information on the numbers of cases of specific, mainly infectious, diseases occurring within Scotland. Information on specific diseases is normally gathered using laboratory test results and diagnostic information from GPs or hospital doctors. However, in order to ensure the accuracy of the data, personal details are also collected, where necessary, including name, address, postcode, date of birth and NHS or CHI number. This information may be collected, processed and stored electronically or on paper. Information will be deleted after a period of years or, in certain circumstances, will be retained indefinitely.

Why is this information collected and what is it used for?

This information is collected and used for two main reasons: for Surveillance and for Research*.

Surveillance is the term used to describe the collection of information to allow the identification of trends and patterns in illnesses or hazards, including outbreaks of disease, within Scotland. This allows further investigations to be carried out and the identification of problems where there is a need to control the spread or prevent the further occurrence of disease.

Research is also carried out to investigate in more detail, aspects about individual diseases (e.g. MRSA, *E.coli* 0157) or groups of conditions, such as blood borne disease and infections spread from the environment and via animals (zoonoses).

*A detailed list of the Surveillance and Research projects in progress is available on request.

How is the information processed and who else has access to it?

Where possible, only the minimum amount of essential personal information will be collected. Once it is received by HPS the information is analysed and then stored in a variety of databases. In most cases, if personal information relating to an individual's identity is not required for later use, it will be deleted. This process, known as anonymisation, is carried out wherever possible to preserve the privacy and confidentiality of the individual.

Information is then made available as anonymised data in a variety of ways including routine reports and tabulations. Only in exceptional circumstances would personal information be passed on to another party and this would be done with the explicit consent of the individual concerned, wherever practically possible.

What internal procedures govern how information is handled within HPS?

HPS takes its responsibilities under the Data Protection Act 1998 seriously and, as a Division of NHS National Services Scotland (NSS), has adopted a Data Protection Policy, which sets out its commitment to compliance. To this end, HPS has appointed a 'Caldicott Guardian' whose job it is to oversee how we use patient identifiable information and enforce patients' rights to confidentiality. All HPS staff are contractually obliged to respect confidentiality and are provided with a set of Confidentiality Rules which govern how personal data is handled, stored, transmitted and disposed of.

What legal controls govern the collection and use of information?

HPS, as a Division of the NSS, has notified the Office of the Information Commissioner of any processing of personal data it carries out. A copy of the NSS's notification is available on-line at the Information Commissioner's website at <http://www.ico.gov.uk>. Personal data processed by HPS will at all times fully comply with the Principles set out in the Data Protection Act 1998.

The Data Protection Act 1998 gives you the **right to know** how HPS will use your personal health information. This leaflet can only briefly describe how we use your information but the NSS's Data Protection Officer will be happy to answer any questions you may have.

You have the **right to object** to HPS making use of your information. You can ask us to change or restrict the way we use your information and we are obliged to agree if it is possible to do so. The NSS's Data Protection Officer will be able to provide you with guidance.

You also have the **right to access** any personal information that HPS may hold on you, whether it is held in written form or electronically. If you wish to see or obtain a copy of your information, you should contact the NSS's Data Protection Officer who will provide guidance and an application form, if required. Any abbreviations or jargon used will be explained. If you think any of the information is inaccurate, incomplete or out of date, you can ask to have the information amended.

Caldicott Principles

In addition to the Data Protection Act, there are six Caldicott principles which are to be adhered to, in order to safeguard patient confidentiality:

1. Justify the purpose(s) for using personal information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should only be on a strict need-to-know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law

Contact Details

HPS's Caldicott Guardian and Data Protection Officer can be contacted at:

Health Protection Scotland
Meridian Court, 5 Cadogan Street, Glasgow G2 6QE
Telephone 0141 300 1100
<http://www.hps.scot.nhs.uk>

The NSS's Data Protection Officer can be contacted at:

NHS National Services Scotland
Gyle Square, 1 South Gyle Crescent, Edinburgh EH12 9EB
Telephone: 0131 275 6000
<http://www.nhsnss.org>

Further information on data confidentiality can be obtained by contacting the HPS Information Security and Data Protection Officer.

This Publication can be made available in large print, Braille (English only), audio tape and in different languages. If you would like further information please contact HPS's Data Protection Officer.



Health Protection Scotland

Protecting Personal Health Information

An information guide for patients

The Data Protection Act 1998 regulates how HPS handles personal data. This document provides valuable information for patients whose data HPS may process.