

## **My Medical Record Privacy Notice**

### **What is My Medical Record and how does it support my healthcare?**

The My Medical Record service is a personal health record (PHR) for patients/healthcare service users and medical professionals. It is used to support the provision of healthcare for several clinical conditions by a number of NHS organisations. The My Medical Record service stores and displays your health records for you and the medical professionals providing your healthcare.

The purpose of this Privacy Notice is to inform you about the collection and use of your personal data by the My Medical Record service in accordance with the relevant legislation, and in particular the General Data Protection Regulation (GDPR), which take effect from 25 May 2018.

Your medical professionals may use the My Medical Record service to support your healthcare. You may be offered access to the My Medical Record service to help manage and support your healthcare.

University Hospital Southampton NHS Foundation Trust host the My Medical Record service through the Microsoft Azure cloud-based platform. We have taken this decision to support scaling of the service and to benefit from the inherent security within Azure whilst also ensuring business continuity (e.g. protect against fail over, ensure appropriate capacity). We have chosen to set up the Azure instance that supports the My Medical Record service within a Microsoft data centre that is based in the UK. To support the My Medical Record service a dataset is stored within the University Hospital Southampton NHS Foundation Trust network.

The use of My Medical Record is one part of the provision of your overall healthcare and as such you should refer to your own NHS organisation's Privacy Notice(s) for more information on how they collect and use your personal data.

### **Who provides My Medical Record and who is the Data Controller?**

The My Medical Record service is owned and operated by University Hospital NHS Foundation Trust. The My Medical Record service is used by a number of NHS organisations to support a variety of clinical conditions.

Every organisation that processes personal information is required to register with the Information Commissioner's Office (ICO). If you are a patient or healthcare service user of University Hospital NHS Foundation Trust the Data Controller is also University Hospital NHS Foundation Trust and is registered with the ICO under registration reference Z4969884.

If you are a patient or healthcare service user with another NHS organisation they are the Data Controller and University Hospital NHS Foundation Trust are the Data Processor for My Medical Record.

### **Why does My Medical Record process my information and what is the legal basis for this processing?**

The GDPR requires that the purpose for processing personal information is clearly stated and that there is a legal basis for the information processing. The GDPR sets out six valid lawful bases to process personal data. It also requires that if an organisation is processing more sensitive, special category data (such as information about a person's health), a special category condition for processing the data must also be identified. My Medical Record processes information about your

health and requires a special category condition. There are ten conditions for processing special category data in the GDPR.

***Why does My Medical Record process my data?***

Your personal information is processed by My Medical Record to support the provision of your healthcare by the NHS.

***The lawful basis for My Medical Record processing your data is:***

Article 6(1)(e) **Public task:** “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”

The clear basis in law for the public task lawful basis is derived from the various UK Government legislation that underpins the NHS these include:

- NHS Act 2006
- Health and Social Care Act 2012
- National Health Service and Community Care Act 1990
- Health and Social Care (Community Health and Standards) Act 2003

***The special category condition for processing the data is:***

“Article 9(2)(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, 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*** or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;”

**What information does My Medical Record process, where does it get it from and who does it share it with?**

***The information in My Medical Record may include:***

- Details about you, such as name, address, email, date of birth, occupation, marital status, gender, ethnic origin, religion, next of kin, GP contact details.
- Contact we have had with you such as appointments and home visits.
- Notes and reports about your health.
- Details and records about your treatment and care.
- Details of the future care you may need.
- Results of investigations such as x-rays, ultrasounds, blood and other laboratory test results.
- Relevant information from people who care for you and know you well, such as health professionals and relatives.

Please refer to your own NHS organisation’s Privacy Notice(s) for more information on what information is collected.

***Your information in My Medical Record may come from the following sources:***

- You
- Medical professionals supporting your healthcare, from your own NHS organisation and other NHS organisations this could include:

- Staff involved in your care, such as doctors, nurses, pharmacists and therapists
- Healthcare professionals or services outside your own NHS organisation such as your GP or another hospital.
- Healthcare systems supporting your healthcare from your own NHS organisation and other NHS organisations.

Please refer to your own NHS organisation's Privacy Notice(s) for more information on the sources of your information.

***Your information in My Medical Record may be shared with:***

- You
- Medical professionals supporting your healthcare, from your own NHS organisation and other NHS organisations this could include:
  - Staff involved in your care, such as doctors, nurses, pharmacists and therapists
  - Staff involved in the administration of your care, such as receptionists.
  - Healthcare students and professionals who are training.
  - Pathology and radiology staff who are analysing data.
  - Staff who are conducting local clinical audits.
  - Clinical research staff.
  - Healthcare professionals or services outside your own NHS organisation. These might include:
    - Other professionals or services involved in your care, such as your GP or another hospital.
    - Organisations who provide services on behalf of you NHS organisation, such as administration service providers and other care providers.
- Healthcare systems supporting your healthcare from your own NHS organisation and other NHS organisations.

Please refer to your own NHS organisation's Privacy Notice(s) for more information on how your information may be shared.

**How long is your information retained?**

As the My Medical Record service is one part of the provision of your overall healthcare you should refer to your own NHS organisation's main Privacy Notices and Records Management policy for details of how long your information is retained.

**Your rights**

You have the following rights in relation to your My Medical Record personal data.

***The right to be informed***

You have the right to be informed about the collection and use of your personal data. This Privacy Notice along with the Privacy Notice of the NHS organisation providing your healthcare inform you about the My Medical Record service collection and use of your personal data.

If you require more information, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

***The right of access***

You have the right to access your My Medical Record personal data and supplementary information. The right of access allows you to be aware of and verify the lawfulness of the processing.

If you would like to access your personal data, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

***The right to rectification***

You have the right to have inaccurate My Medical Record personal data rectified. You have the right to have incomplete information completed.

You can make a request for rectification verbally or in writing. We have one calendar month to respond to a request.

If you would like us to rectify an inaccuracy with your personal information, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

***The right to restrict processing***

You have the right to request the restriction or suppression of your personal data. This is not an absolute right and only applies in certain circumstances, these are:

- You contest the accuracy of the My Medical Record personal data and we are verifying the accuracy of the data;
- Your data has been unlawfully processed and you oppose erasure and request restriction instead;
- We no longer need your personal data, but you need us to keep it in order to establish, exercise or defend a legal claim;
- You have challenged the accuracy of your data and asked us to rectify it, you can request that we restrict processing while we consider your rectification request.

You can make a request for restriction verbally or in writing. We have one calendar month to respond to a request. When processing is restricted, My Medical Record can store the personal data, but not use it.

If you would like us to restrict My Medical Record processing of your personal information, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

***The right to object***

You have the right to object to My Medical Record processing your information in the performance of a public task, namely the supporting your healthcare.

Your objection must be on “grounds relating to his or her particular situation”.

We must stop processing the personal data unless: we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims.

If you would like to object to the My Medical Record service processing of your personal information, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

**The right to lodge a complaint with a supervisory authority.**

You have the right to lodge a complaint about the My Medical Record processing of your personal information with the Information Commissioner's Office.

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

**Telephone:** 0303 123 1113 or 01625 545745

**Fax:** 01625 524510

<https://ico.org.uk/concerns/>

**Changes to this Privacy Notice**

Any changes we may make to our Privacy Notice in the future will be posted on this page.

**Further information**

If you would like any further information, please contact the My Medical Record team or the Data Protection Officer of the NHS organisation providing your healthcare.

**Contact details**

***My Medical Record Team***

e: [mymedicalrecord@uhs.nhs.uk](mailto:mymedicalrecord@uhs.nhs.uk)

***University Hospital NHS Foundation Trust***

**Privacy Notice**

<http://www.uhs.nhs.uk/Media/Controlleddocuments/Patientinformation/Stayinginhospital/Your-personal-data-and-your-rights.pdf>

**Data protection officer**

Trust Headquarters  
University Hospital Southampton  
Tremona Road  
Southampton  
SO16 6YD

Email: [dataprotection@uhs.nhs.uk](mailto:dataprotection@uhs.nhs.uk)

Telephone: 023 8120 4743