


# Confidentiality

it's your right

How the NHS protects your  
personal health information

**NHS**  
SCOTLAND

A stylized graphic on a green background. It features a large, light green shape on the left that resembles a stylized 'C' or a partial circle. To its right is a smaller, solid purple circle with a white center. Further to the right, there are several concentric, light green circular lines of varying thicknesses, suggesting a signal or a ripple effect.

Under the Data Protection Act 1998, you have a right to know who holds personal information about you. This person or organisation is called the data controller. In the NHS, the data controller is usually either your local NHS Board or General Practice.

## What is this leaflet about?

It tells you:

- what your personal health information is
- how the NHS keeps this information confidential
- how this information is used
- who this information is shared with and why
- what your rights are

## Why has this leaflet been produced?

The NHS must keep your personal health information confidential. It is your right. This leaflet explains how the NHS does this.

## What is my personal health information?

It is information that identifies you. It includes things like your name, address, date of birth or postcode. It can be linked to, for example:

- information about any care and treatment you have received
- information about your health and lifestyle
- results of tests you have had

## How and where is my personal health information kept?

It is kept in records. Records can be written on paper, held on computer or both. Records are stored securely in different parts of the NHS.

- You have a record at your GP surgery.
- If your GP refers you to a hospital, the hospital will keep a record there.
- Records can also be held in other places, for example, at your dental surgery or at a clinic you have been to.

In the future, more and more of your personal health information will be stored on computer. Eventually you may have a single electronic record. This will make it easier for NHS staff to share information about you so that you get the treatment you need, wherever you are. Your record will be stored securely. Only NHS staff who are involved in your care will be able to look at your record. It will also be possible to check who has looked at your electronic record.

## How does the NHS keep my personal health information confidential?

- All NHS staff have a legal duty to keep information about you confidential.
- The NHS stores your personal health information securely.
- Only relevant information is shared inside the NHS or with outside organisations. We explain when and why it's shared later in this leaflet.
- The NHS will not give information about you to organisations such as benefits agencies, employers or the media without your permission.

## How is my personal health information used?

NHS staff use your information to give you the care and treatment you need. They will share relevant information with other NHS staff involved in your care. This makes caring for you safer, easier and faster.

For example, information is shared if:

- your GP refers you to a hospital
- you are moved from one hospital to another

- you need support at home, such as a visit from a district nurse
- NHS 24 refers you to a GP or another part of the NHS

If you are concerned about your information being shared, see 'Your right to object' on page 8.

### **How else does the NHS use information about my health?**

The NHS uses relevant information about your health to help improve the general public's health and NHS services. They should give you information about how they use it. It can be used, for example:

- to count the number of cases of diseases
- to look at how safe and effective a treatment is, for example, flu vaccinations
- to check that the NHS is providing a good service
- to plan how many beds, wards and staff are needed
- to train students and staff
- to check that the NHS spends public money properly
- for research

Wherever possible, your name, address and other information that identifies you is removed. Sometimes the NHS uses information that does identify you. In most cases, if they do this they will explain to you how and why your information will be used. If they use information which identifies you for teaching or research, they must ask your permission.

If you don't want the NHS to use your information to help improve public health and NHS services, you can object. See page 8.

### **When can my personal health information be shared outside the NHS?**

As well as NHS staff, you might receive care from a carer, a home help, a social worker or others. They might need to know relevant information about your health. Usually, it will only be given to them if:

- you have agreed; and
- they need it to be able to give you care and treatment.

Usually the NHS will not share your personal health information with people such as a relative, carer or friend without your permission. However, there are special cases.

- If you are a child, the law may allow someone with parental responsibility for you to see your records and discuss your care.
- If you are an adult who cannot make decisions for yourself, or cannot tell others your decisions, the law allows someone to see your records and discuss your care, if:
  - you have appointed them to act on your behalf in a welfare power of attorney; or
  - they have applied to a court and have been granted the power in a welfare guardianship order.

In these special cases, that person will not receive information that:

- you have told NHS staff you don't want them to have; or
- staff feel would be harmful to your health or the health of others.

See page 9-10 for where to get more information about the rights of children.

See page 10 for where to get more information about the rights of adults who cannot make their own decisions or tell others their decisions.

Sometimes the law allows the NHS to share your personal health information without your permission, for example, to investigate a serious crime or to protect a child.

### **What are my rights?**

As well as your right to confidentiality, you have the rights below.

#### **Your right to know**

You have a right to know how your personal health information is used. You can ask a member of NHS staff providing your care.

#### **Your right to see**

You have a right to see your health records and, if you choose, to get a copy. Wherever possible, you should be given your health records in a format that

meets your needs. The leaflet 'How to see your health records' explains how to do this. See page 12 for where to get a copy of this leaflet.

### **Your right to object**

If you don't want your health information to be used or shared, tell a member of NHS staff providing your care. If you do this, the NHS has to limit how it uses your information where possible.

### **Your right to complain**

If you are not happy about how your health information has been used or protected, first talk to a member of NHS staff providing your care. If you are still not happy after this, and would like to make a complaint, the leaflet 'Making a complaint about the NHS' explains what to do. See page 12 for where to get a copy of this leaflet.

## How to find out more

- For more information about anything in this leaflet, contact:
  - the Data Protection Officer at your local NHS Board (you can find contact details for your local NHS Board in the phone book under 'health services' or on the internet at **[www.show.scot.nhs.uk/organisations/orgindex.htm](http://www.show.scot.nhs.uk/organisations/orgindex.htm)**)
  - the NHS Helpline on 0800 22 44 88
  - NHS 24 on 08454 24 24 24 (textphone 18001 08454 24 24 24)
  - your local Citizens Advice Bureau (find your nearest bureau on the internet at **[www.cas.org.uk](http://www.cas.org.uk)** or in your local phone book)

- For more information about how the law affects children and young people, contact:

The Scottish Child Law Centre

54 East Crosscauseway

Edinburgh

EH8 9HD

Information helpline: 0131 667 6333

Freephone number for under 18s: 0800 328 8970

Fax: 0131 662 1713

Website: [www.sclc.org.uk](http://www.sclc.org.uk)

- If you can't make decisions for yourself or can't tell others your decisions, this is called 'incapacity'. For information about the Adults with Incapacity (Scotland) Act, including welfare powers of attorney and welfare guardianship orders, contact:

The Office of the Public Guardian

Hadrian House

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Phone: 01324 678 300

Fax: 01324 678 301

Website: [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

- To find out more about how your personal information is used and protected, you can contact the Information Commissioner's Office at the address opposite.

You can also contact this office to complain about how the NHS has used or protected your information, but only if you have already used the NHS Complaints Procedure.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Phone: 01625 545 700

Fax: 01625 524 510

Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Other leaflets in this series

This leaflet is part of a series. The other leaflets in the series include:

- **How to see your health records**
- **Making a complaint about the NHS**
- **The NHS and You**

You can get these leaflets from:

- GP and dental surgeries, and hospitals
- other places where you receive NHS care
- your local NHS Board
- the NHS Helpline on 0800 22 44 88
- NHS 24 on 08454 24 24 24 (textphone 18001 08454 24 24 24)
- **[www.scotconsumer.org.uk/hris](http://www.scotconsumer.org.uk/hris)**
- **[www.show.scot.nhs.uk/healthrights](http://www.show.scot.nhs.uk/healthrights)**
- your local Citizens Advice Bureau (find your nearest bureau on the internet at **[www.cas.org.uk](http://www.cas.org.uk)** or in your local phone book)

We have tried our best to make sure that the information given in this leaflet is correct. However, the leaflet is for guidance only so you should not rely on it as a full statement of the law. If you are thinking about taking legal action, you should contact a solicitor, Citizens Advice Bureau or other advice agency.

Produced by Health Rights Information Scotland, a project of the Scottish Consumer Council, for the Scottish Executive Health Department.

 **Scottish  
Consumer Council**  
Making all consumers matter



SCOTTISH EXECUTIVE

Version 2

Produced in April 2005

Revision date April 2007

To get this information in another language or format phone your local NHS Board. If you need help to do this contact the NHS Helpline on 0800 22 44 88 or NHS 24 on 08454 24 24 24 (textphone 18001 08454 24 24 24).

للحصول على هذه المعلومات بلغة أخرى أو بنسق مختلف، اتصل بالمكتب المحلي لهيئة الرعاية الصحية الوطنية NHS. وإذا احتجت للمساعدة للقيام بذلك اتصل بخط الاستعلامات التابع للهيئة NHS Helpline على الرقم 0800 22 44 88 أو على الرقم 08454 24 24 24 (أو رقم textphone 18001 08454 24 24 24 الخاص بالصم).

এই তথ্যগুলি অন্য ভাষায় কিম্বা আকারে পেতে চাইলে আপনার স্থানীয় এনএইচএস বোর্ড (NHS Board)-কে ফোন করুন। এতে আপনার সাহায্যের দরকার হলে যোগাযোগ করুনঃ এনএইচএস হেল্প লাইন (NHS Helpline)- 0800 22 44 88 কিম্বা এনএইচএস২৪ (NHS 24)-08454 24 24 24 (টেক্সটফোনঃ18001 08454 24 24 24)

若要取得此份資料的另一種語言或形式版本，請致電 NHS Board。若您需要幫助，請致電 NHS 求助熱線：0800 22 44 88 或 NHS24：08454 24 24 24 (盲文電話：18001 08454 24 24 24)。

ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਜਾਂ ਰੂਪ ਵਿੱਚ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਆਪਣੇ ਲੋਕਲ NHS ਬੋਰਡ ਨੂੰ ਫੋਨ ਕਰੋ। ਜੇ ਤੁਹਾਨੂੰ ਅਜੇਹਾ ਕਰਨ ਵਿੱਚ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ ਤਾਂ NHS ਹੈਲਪਲਾਈਨ ਨੂੰ 0800 22 44 88 ਨੰਬਰ ਤੇ ਜਾਂ NHS 24 ਨੂੰ 08454 24 24 24 (ਟੈਕਸਟਫੋਨ 1 8001 08454 24 24 24) ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

یہ معلومات کسی اور زبان یا شکل میں حاصل کرنے کیلئے اپنے این ایچ ایس کے مقامی بورڈ کو ٹیلیفون کریں۔ اگر آپ کو اس سلسلے میں مدددرکار ہو تو این ایچ ایس ہیلپ لائن سے 0800 22 44 88 پر یا این ایچ ایس 24 سے ٹیلیفون نمبر 08454 24 24 24 (ٹیکسٹ فون 18001 08454 24 24 24) پر رابطہ کریں

[www.scotconsumer.org.uk/hris](http://www.scotconsumer.org.uk/hris)