



Data Protection Notice

1. About NHS 24

NHS 24 is a public organisation created in Scotland under section 2 of the National Health Service (Scotland) Act 1978 (the **1978 Act**). It is one of the organisations which form part of NHS Scotland (**NHSS**).

NHS 24 is registered with the Information Commissioners Office (ICO) as a Data Controller of personal data and our registration number is Z8707451.

This notice is a broad description of what we, NHS 24, may do with personal data, in all our activities as a Data Controller.

To understand what we do with your personal data, including who may we share your data with, you may need to refer to additional NHS 24 publications, communications and discussions with staff.

2. About the personal information we use

We use personal information on different groups of individuals including:

- Callers
- Patients and their legal representatives
- Staff
- Volunteers
- Students on placement
- Contractors
- Suppliers
- Complainants, enquirers
- Survey respondents
- Professional experts and consultants
- Individuals captured by CCTV

The personal information we use includes information that identifies you like your name, address, date of birth and postcode.

We also use more sensitive 'special category' types of personal information, including information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic and biometric data, health; sex life or sexual orientation.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; audio recordings; visual images; personal appearance and behaviour; details held in the patient record; responses to surveys.

NHS 24 does not undertake any decision making about individuals by automated means without any human involvement. However, when you call our service, we put the details you give us into sophisticated software. Both the software and our staff use this information to

triage the patients' symptoms and categorise your call based on urgency. The software we use is a key part of this process, but the decision making is not wholly automated.

3. Our purposes for using personal information

Under the 1978 Act NHS 24 has the statutory responsibility to provide or arrange for the provision of a range of healthcare, health improvement and health protection services. We are given these tasks so that we can help to promote the improvement of the physical and mental health of the people of Scotland and assist in operating a comprehensive and integrated national health service in Scotland.

We use personal information to enable us to provide healthcare services for patients, data matching under the national fraud initiative; research; supporting and managing our employees; maintaining our accounts and records and the use of CCTV systems for staff safety and crime prevention.

4. Our legal basis for using personal information

NHS 24, as data controller, is required to have a legal basis when using personal information. There are a number of legal basis specified within the UK GDPR which NHS 24 can use as the legal basis for processing both your personal data (such as your name and address), these are detailed under Article 6, and the special categories of personal data (such as health data), these are detailed under Article 9, that we need to provide our services.

NHS 24 considers that performance of our tasks and functions are in the public interest, so when using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us (Article 6(1)(e)).

In some situations, we may rely on a different legal basis; for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of performance of a contract (Article 6(1)(b)) or when we disclose personal information to comply with a legal request (e.g. a court order) our legal basis is that its use is necessary to comply with a legal obligation (Article 6(1)(c)).

When we are using more sensitive 'special category' types of personal information which includes health information, our legal basis is usually that the use is necessary:

- For the provision of health or social care or treatment or the management of health or social care systems and services (this includes when we are dealing directly with you or the person acting on your behalf, or if we are referring you to other services for help, assistance or support) (Article 9(2)(h)); or
- For reasons of public interest in the area of public health (Article 9(2)(i)); or
- For reasons of substantial public interest for aims that are proportionate and respect people's rights (Article 9(2)(g)); or
- In order to protect the vital interests of an individual (Articles 6(1)(d) & 9(2)(c)); or
- For the establishment, exercise or defence of legal claims or in the case of a court order (Article 9(2)(f)); or
- For archiving purposes, historical or scientific research or statistical purposes that are proportionate and respect people's rights (Article 9(2)(j)).

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this, we will explain what it means, and the rights that are available, to you. You should be aware that we may ask for your consent for other things such as taking part in surveys and maintaining our database of contact names and email addresses for any newsletters or other publications which we may produce.

5. Who provides the personal information?

When you do not provide information directly to us, we may receive it from others making a call on a patient's behalf or individuals and organisations involved in the delivery of health and care services in Scotland. These include other NHS Boards and primary care contractors such as GPs, dentists, pharmacists and opticians, other public bodies e.g. Local Authorities and suppliers of goods and services.

Healthcare professionals and those providing frontline services in NHS 24 have the ability during your call to view your Emergency Care Summary (ECS), Key Information Summary (KIS), Palliative Care Summary (PCS) and any Special Notes which are summary medical records controlled by your GP.

6. Sharing personal information with others

Depending on the situation, where necessary and appropriate, we will share appropriate, relevant and proportionate personal information in compliance with the law, with the following:

- Our patients and their chosen representatives or carers
- Staff
- Healthcare social and welfare organisations
- Suppliers, service providers, professional advisors and consultants
- Legal representatives
- Auditors and audit bodies
- Educators and examining bodies
- Research organisations
- People making an enquiry or complaint
- Financial organisations
- Professional bodies
- Trade Unions
- Business associates
- Police forces.
- Security organisations.
- Central and local government; government agencies and regulatory bodies
- Voluntary and charitable organisations.
- Current, past and potential employers

The law protects your confidentiality and we will not share your personal information with others unless there is a clear basis to do so.

Depending on the clinical outcome, NHS 24 may prescribe medication and electronically transfer relevant clinical information along with the medication request to the agreed pharmacy via the NHS Scotland email solution. The paper prescription will then be posted

out to the pharmacy by Royal Mail first class delivery in line with legislation requirements (Human Medicines Regulations 2012).

NHS 24 send out two types of text message, one when your call has ended, depending on the clinical outcome, NHS 24 may send a text message to your mobile providing self-care advice; the second providing public health advice (e.g. pandemic flu). Both these services are facilitated by PageOne Communications through our managed service provider. The information is not retained by PageOne and is purged from the system once the text message has been sent.

NHS 24 may use a video consultation platform facilitated by Attend Anywhere. This is dependent on the clinical requirement identified during initial contact. The details captured when you log into the platform are not retained after the consultation, although your Internet Protocol (IP) address is retained by Attend Anywhere for a period of 12 months.

7. Transferring personal information abroad

It may sometimes be necessary to transfer personal information overseas. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with the relevant Data Protection Legislation and NHSScotland and NHS 24 Information Security Policies.

If you are using our Web Chat services, then this information is processed via an overseas service provider. Only our QuitYourWay Scotland service requires full name and address details. Personal information shared during the WebChat service is removed from that service as soon as practicable in line with the retention period as detailed in the [Records Retention Schedule](#).

The use of Translation services is covered at Section 11.

8. Retention periods of the information we hold

Within NHS 24 we keep personal information as set out in the Scottish Government Records Management Health and Social Care Code of Practice (Scotland) 2020.

The Code of Practice sets out the retention periods for information, including personal information, held in different types of records including personal health records and administrative records.

As directed by the Scottish Government in the Code of Practice, we maintain a retention schedule as part of our [Records Retention Schedule](#) detailing the retention periods for the information we process and the procedures for personal information.

9. How we protect personal information

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure and confidential. The following security measures are in place to protect personal information:

- All staff undertake mandatory training in Data Protection and IT Security
- Compliance with the Scottish Government Cyber Resilience Framework
- Organisational policy and procedures on the safe handling of personal information
- Access controls and audits of electronic systems

- We have a senior member of staff who has the role of Caldicott Guardian. The job of the Caldicott Guardian is to ensure that we take all appropriate steps to protect the confidentiality of personal health information.
- When we work with personal information, we make sure we only use the minimum information required for us to undertake our role.

10. Your rights

This section contains a description of your data protection rights within NHS 24.

The right to be informed

NHS 24 must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Data Protection Notice
- Information leaflets
- Discussions with staff providing your care

The right of access

You have the right to access your own personal information.

This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

- Confirmation that your personal information is being held or used by us
- Access to your personal information
- Additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal information, you can do this either by using the appropriate pages and forms on our web site [here](#) or by contacting our Information Governance team via the email address DP@nhs24.scot.nhs.uk or by post to:

Information Governance
Aurora House
3 Aurora Avenue
Clydebank
G81 1BF

Once we have details of your request and you have provided us with enough information for us to confirm your identity and locate your personal information, we will respond to your request without delay, within one month. However, if your request is complex, we may take longer, by up to two months, to respond. If this is the case, we will tell you and explain the reason for the delay.

The right to rectification

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete, we will aim to amend your records accordingly. The original information, along with an explanation as to why information has been corrected or amended, must remain on our records though as an audit trail.

We will normally amend the relevant records within one month, or within two months where the request is complex. However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request.

Where possible we may restrict access to your records to ensure that inaccurate or incomplete information is not used until amended, unless there is a risk to patient safety.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If, on consideration of your request, NHS 24 does not consider the personal information to be inaccurate then we will add a comment to your record stating your concerns about the information. If this is case, we will contact you within one month to explain our reasons for this.

If you are unhappy about how NHS 24 has responded to your request for rectification, we will provide you with information on how you can complain to the Information Commissioner's Office, or how to take legal action.

The right to object

When NHS 24 is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided NHS 24 can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

Other rights

There are other rights under Data Protection legislation which are available to you, however these rights only apply in certain circumstances. If you wish further information on these right is can be found at the Information Commissioners Office web site at ico.org.uk/for-the-public.

The right to complain

NHS 24 employ a Data Protection Officer to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information, please tell our Data Protection Officer using the contact details below.

Data Protection Officer
NHS 24
Aurora House
3 Aurora Avenue

Clydebank
G81 1BF
Email: DP@nhs24.scot.nhs.uk
Telephone: 0141 337 4501

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at www.ico.org.uk

11. Translation Service/Accessibility

Although our website and documents are written in the English language, we will consider requests for documents to be made available in other formats and languages.

British sign language users who wish to contact NHS 24 can do so through Contact Scotland BSL whose interpreters are all based in Scotland.

For people whose preferred language is not English, then a language translation function is available which is provided by LanguageLine Solutions who are a global provider, therefore their representative, who acts as an interpreter, may be based outside the European Economic Area (EEA). LanguageLine Solutions parent company uses approved Binding Corporate Rules across all its subsidiaries.