

Your Privacy is really important to us and we are committed to protecting your personal data

Gibraltar Health Authority

Privacy Notice

Purpose of this Privacy Notice

A Privacy Notice is a statement that describes how an organisation collects, uses, retains and shares personal data. It will also tell you about the rights you have around your information.

So that we can provide you with the best possible service, a variety of information is collected about you from a range of sources, such as your General Practitioner (GP). This information is used to support your healthcare.

At the Gibraltar Health Authority (GHA) we are committed to protecting and respecting your right to privacy. This Privacy Notice aims to provide you with information on what data we collect about you, what we do with that information and why we do it, who we share it with, and how we protect your privacy.

This notice covers all personal data collected by the GHA and where we tell other organisations to collect information for us. This is the same whether the data are collected by letter, email, face to face, telephone or online.

We hold and process personal data in accordance with the European Union's General Data Protection Regulation (GDPR) and the Data Protection Act 2004.

It is important that you read this Privacy Notice together with any other Privacy Notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

We may change this Privacy Notice from time to time, so please check this page occasionally to ensure that you are happy with any changes.

Who we are

The Gibraltar Health Authority is the data controller and is responsible for your personal data (collectively referred to as "GHA", "we", "us" or "our" in this Privacy Notice).

The GHA provides healthcare to the local community. We deliver Primary, Secondary and Mental Health Care in Gibraltar using a Healthcare model closely linked to the National Health Service (NHS) in the United Kingdom and for this purpose some tertiary referrals are delivered in the NHS, as well as in Spanish Hospitals due to the proximity.

The GHA is split into four sites with the administration based in the hospital itself. We employ approximately 1000 employees and handle approximately 37,000 A&E attendances, 40,000 out patient episodes and 110,000 GP consultations on an annual basis. The four main sites are the Primary Care Centre, St. Bernard's Hospital, the Ocean Views Mental Health Hospital and the Community Mental Health Centre at Coaling Island.

The personal data we collect and hold about you

Personal data means any information about you from which you can be identified (for example: name, address, email, telephone number, GHA number, or any health related data). It does not include data where the identity has been removed (anonymisation).

The information that we collect about you may include the following:

- ❖ Full name, GHA number, address, telephone number, email address;
- ❖ Date of birth, age, gender;
- ❖ Next of kin details;
- ❖ Any contact we have had with you through appointments, attendances, inpatient stays and home visits;
- ❖ Details and records of treatment and care, notes and reports about your health, including medications, allergies or health conditions;
- ❖ Results of x-rays, scans, blood tests, etc;
- ❖ Genetic information;
- ❖ A record of contact with us by telephone or email for the purposes of the provision of healthcare including complaints, claims or Patient Advocacy and Liaison Services (PALS) enquires;
- ❖ Patient experience feedback and treatment outcome information you provide;
- ❖ Other relevant information from people who care for you and know you well, such as health professionals, social workers, relatives and carers;
- ❖ For private care patients we will need to process your financial details for the administration and obtaining payment for services provided;
- ❖ CCTV monitoring of relevant areas;
- ❖ We may also collect other information about you, such as your sexuality, race or ethnic origin, religious or other beliefs, Power of Attorney status / Court appointed Deputy, and whether you have a disability or require any additional support with appointments (like an interpreter or advocate);
- ❖ If you visit our website, we use cookies to help make our website work more efficiently (please see our Cookie Policy at www.gha.gi/cookies/).

Keeping us informed of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes (for example; your address, telephone number, email) during your relationship with us.

How we collect your personal data

Your information could be collected in a number of different ways. Information may be provided by your GP or another healthcare professional you have seen. Information may also have been provided directly from you – in person, over the telephone or on a form you have completed. Information may also be provided by third parties, for example, social services or education services.

We also employ surveillance cameras (CCTV) around our premises in order to:

- ❖ protect staff, patients, visitors and GHA property;
- ❖ apprehend and prosecute offenders, and provide evidence to take criminal or civil action in the courts;
- ❖ provide a deterrent effect and reduce unlawful activity;
- ❖ help provide a safer environment for our patients and staff;
- ❖ monitor operational and safety related incidents; and
- ❖ assist with the verification of claims.

How we use your personal data

We collect personal data about you to support with the delivery of appropriate healthcare and treatment. In order to provide you with high quality care, we must keep records about you, your health and the care that we provide, or plan to provide to you. It is important for us to have a complete picture as this information enables us to provide the right care to meet your individual needs.

We use your information to:

- ❖ Ensure that the right decisions are made about your care;
- ❖ Ensure your treatment is safe and effective;
- ❖ Ensure that we work well internally and with other organisations that may be involved in your care;
- ❖ Register you as a patient;
- ❖ Support the health of the general public;
- ❖ Support the funding of your care;
- ❖ Safeguard children and vulnerable adults;
- ❖ Plan our services to ensure we can meet future needs;
- ❖ Review care provided to ensure it is of the highest standard possible, improving individual diagnosis and care;

- ❖ Train and educate healthcare professionals;
- ❖ Conduct clinical research and audits, and develop our understanding about health risks and causes to develop new treatments;
- ❖ Prepare statistics on performance to meet the needs of the general population or for the Government of Gibraltar;
- ❖ Remind you about your appointments and send you relevant correspondence;
- ❖ Contact you with regards to patient satisfaction surveys relating to services you have used within our hospital so as to further improve our services to patients;
- ❖ Report and investigate complaints, claims and untoward incidents; and
- ❖ Report events to the appropriate authorities when we are required to do so by law.

This helps you, and is important to us, because having accurate and up-to-date information will assist us in providing you with the best possible care. It also ensures that all information is readily available if you see another healthcare professional or specialist as part of follow-up and referral care.

Our lawful basis for collecting and processing your personal data

As part of our requirements under the law, we must demonstrate a clear legal reason for collecting, using, sharing and retaining personal data about you. For personal data used in the provision of health and social care our basis is outlined as “***...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...***” under Article 6(1)(e) of the GDPR. This is because the GHA is a public organisation providing a healthcare service and is required to use names, addresses or other personal data to deliver this service.

When we need to make notifications for public health or other legal reasons we may rely on the basis of “***...necessary for compliance with a legal obligation...***” under Article 6(1)(c) of the GDPR.

We may also need to provide health services necessary to protect a patient’s life or another natural person. The legal basis we rely on in this circumstance can be found under Article 6(1) (d) of the GDPR.

Our additional legal basis for using sensitive personal data (called ‘special categories of personal data’ under the GDPR) is that this is necessary for the ‘provision of health or social care or treatment or the management of health of social care systems and services’ under Article 9(2)(h) of the GDPR. This is because the GHA must use health and social care information about you in the delivery of your care.

In addition to Article 9(2)(h), we also rely on substantial public interest conditions (as allowed by Article 9(2)(g) of the GDPR) under Part 2 of Schedule 1 of the Data Protection Act 2004, which allows the processing of sensitive personal data for reasons such as-

- ❖ Statutory and government purposes;

- ❖ Preventing and detecting unlawful acts;
- ❖ Counselling purposes;
- ❖ Safeguarding of children and of individuals at risk;
- ❖ Safeguarding the economic well-being of certain individuals;
- ❖ Insurance purposes.

Furthermore, these points cover the use of data for clinical audits, service improvement and sharing with other health or social care providers when necessary as part of our service delivery.

There is also other legislation in place that determines our functions and which may allow us to process data outside of the provisions identified above. There may be times when we use other different legal bases for other services that we provide (e.g. research). A more detailed outline of the range of legal bases for processing information and the circumstances in which they arise, are set out in the Annex.

How we keep your information safe and maintain confidentiality

Under the Data Protection Act 2004 and the GDPR, strict principles govern our use of information and our duty to ensure it is kept safe and secure. Information at the GHA may be stored within electronic or paper records, or a combination of both, for specified periods of time.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

All our records are restricted so that only those individuals who have a need to know the information can get access. This might be through the use of technology or other environmental safeguards.

Everyone working for the GHA is subject to the common law duty of confidentiality. This means that any information about you will only be used in connection with the purpose for which it was provided, unless we have specific consent from you (or a person with a legal right to provide it) or there are other special circumstances covered by law.

All GHA staff are required to undertake training in data protection.

Information sharing and disclosure

Your personal data will be shared internally across the individual units that make up the GHA for the purposes of providing direct care and treatment to you, including for related administration purposes.

To help provide the best possible care, sometimes we will need to share your information with others. We only do this where it will be in your best interests, or when we are under a legal obligation to do so. This might include organisations such social services, education services, the police, voluntary and private sector health and social care providers, and private healthcare companies. Private patient information may also be shared with insurers, debt collection agencies or

third parties involved in the payment or delivery of care and this may include transfers to home countries outside Gibraltar.

Where we share your information, we will have appropriate security measures in place, and sharing of information will always be governed by specific rules and laws. We will only share your information where we are satisfied that there are sufficiently secure arrangements in place with the other organisation. You may be contacted by any one of these organisations for a specific reason; if so, they will have a duty to tell you why they have contacted you.

We outsource a limited number of administration and IT support services to external organisations. All services are provided under specific contractual terms, which are compliant with data protection legislation.

Only organisations with a legitimate requirement will have access to your personal data and only under strict controls and rules.

There may be other circumstances when we must share information with other agencies. In these rare circumstances, we are not required to seek your consent. Examples of this are:

- ❖ If there is a concern that you are putting yourself at risk of serious harm;
- ❖ If there is a concern that you are putting another person at risk of serious harm;
- ❖ If there is a concern that you are putting a child at risk of harm;
- ❖ If we have been instructed to do so by a Court;
- ❖ If immigration authorities/relevant third parties require information to obtain payment for services provided to overseas visitors;
- ❖ If the information is essential for the investigation of a serious crime;
- ❖ If there are legal circumstances in which your 'nearest relative' must receive information even if you object;
- ❖ If your information falls within a category that needs to be notified for public health or other legal reasons, e.g. certain infectious diseases;
- ❖ If regulators use their legal powers to require us to provide them with patient information as part of any investigation they are undertaking.

Retention of your information

We will only keep your information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with our legal and regulatory obligations.

The retention of records is dependent on various factors such type of service, continuity of care, litigation, last hospital attendance etc. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

All records are destroyed appropriately and confidentially once their retention period has been met.

Your rights

Under data protection law you have certain rights in relation to the information that we hold about you. You may exercise these rights at any time by contacting us using the below details.

It may not be possible to agree to your request, if the need to keep the record is of significant importance. If it is not, we will explain the reason for this to you.

You have the right to ask us:

- ❖ to confirm whether we hold any of your personal data and request a copy of any personal data that we hold about you. The process of asking for access to your personal data is known as a Subject Access Request;
- ❖ to correct any inaccuracies in your personal data and to modify it in such a way if you believe the personal data we hold is incomplete. To ask for rectification please notify the reception staff at your point of care or contact us on the below details;
- ❖ to delete (in as much as is possible in the specific circumstances) any of your personal data. However, there are exceptions; for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks that are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims;
- ❖ to stop processing your personal data. However, there are exceptions; for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks that are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims;
- ❖ to transfer (in as much as is possible in the specific circumstances) your personal data to you or (if this is technically feasible) another individual/organisation of your choice;
- ❖ where we process your personal data on the basis that you have given us your consent to do so, you may contact us at any time to withdraw your consent.

Contacting us with queries or concerns about this Privacy Notice

We aim to meet the highest standards when collecting and using personal data. We encourage people to bring concerns to our attention and we take any complaints we receive seriously.

If you have any questions about this Privacy Notice or any of our privacy practices, please contact us on the below details-

Email: DataProtection@gha.gi

Postal address: St Bernard's Hospital, Harbour Views Road, Gibraltar, GX11 1AA

Telephone: +350 20072266 ext. 2391

Alternatively, you can contact our Data Protection Officer on-

Email: dpo@gibraltar.gov.gi

Postal address: Government Law Offices, No.40 Town Range, Gibraltar, GX11 1AA

If you remain dissatisfied with the GHA's decision following your complaint, you may wish to contact the Gibraltar Regulatory Authority:

Email: privacy@gra.gi

Postal address: 2nd floor, Eurotowers 4, 1 Europort Road, Gibraltar

Telephone: +350 20074636

Annex

Purpose of using personal data	Examples	Conditions for lawful processing of personal data (Article 6 of GDPR)	Conditions for lawful processing special categories (including health) of personal data (Article 9 of GDPR)
Direct care and Administrative Purposes	<ul style="list-style-type: none"> • Delivery of care • Sharing between individuals involved in care • Local clinical audit • Waiting list management 	6(1)(e) ‘...for the performance of a task carried out in the public interest or in the exercise of official authority...’	9(2)(h) ‘...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...’
Research (the GHA will still require consent or an appropriate legal basis that meets confidentiality and ethical requirements to use personal identifiable data for research ; Consent may not be required if the information being used has been de-identified/anonymised)	<ul style="list-style-type: none"> • Studies with regards to patients with specific diagnosis • Studies to improve services and general care 	<p>6(1)(a) ‘the data subject has given consent to the processing...’</p> <p>6(1)(e) ‘...for the performance of a task carried out in the public interest or in the exercise of official authority...’</p>	9(2)(j) ‘...scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or [Gibraltar] law which shall be proportionate...and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject ...’
Regulatory and public health functions	<ul style="list-style-type: none"> • Monitor health status to identify community health problems • Preparing for and responding to public health emergencies 	6(1)(c) ‘...necessary for compliance with a legal obligation...’	9(2)(j) ‘...necessary for reasons of public interest in the area of public health...or ensuring high standards of quality and safety of health care and of medicinal products or medical devices...’
Safeguarding	<ul style="list-style-type: none"> • Safeguarding children and vulnerable adults • Sharing information for a safeguarding purposes (i.e. with social workers) 	6(1)(e) ‘...for the performance of a task carried out in the public interest or in the exercise of official authority...’	9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or [Gibraltar] law..’