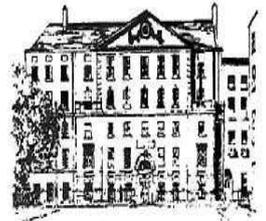




An tOspidéal Náisiúnta Máithreachais The National Maternity Hospital

Founded in 1894

Sráid Holles, Baile Átha Cliath 2 · Holles Street, Dublin 2.
Telephone: (01) 6373100. Fax: 6766623. Web: www.nmh.ie



Master: Prof. Shane Higgins

Data Privacy Statement / Fair Processing Notice

Here at the National Maternity Hospital (**NMH**), we take your privacy seriously. It is important that you know exactly what we do with personal information that you and others provide to us, this Data Privacy Statement / Fair Processing Notice provides information about the ways in which we process (collect, store and use) your personal data as a patient in this hospital.

Our Privacy Statement is being provided to you in line with our obligations under the General Data Protection Regulation (**GDPR**), which came into force on 25th May 2018. GDPR together with applicable Irish legislation amends previous data protection law and place enhanced accountability and transparency obligations on organisations when using your information. The NMH is a quality oriented organisation and is determined to develop and improve the services it provides to women, babies and their families. The GDPR introduces changes which will give you greater control over your personal information.

“Personal data” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller which in this case is the National Maternity Hospital (NMH). Your personal data will be obtained in a lawful, fair and transparent manner for a specified purpose and will not be disclosed to any third party, except in a manner compatible with that purpose.

All medical information under GDPR is deemed a special category personal information and as hospital we will endeavour to ensure your information is treated with the utmost respect and confidentiality.

Who are we

The National Maternity Hospital (**NMH**) specialises in the provision of obstetrics, gynaecology and neonatal services.

The National Maternity Hospital
Holles Street
Dublin 2
DO2 YH21

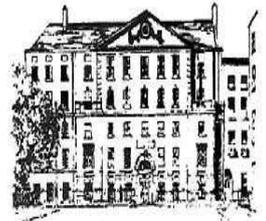
Data Protection Registration Number: **1148A**



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All personal data we gather will be “processed” in accordance with all applicable data protection laws and principles, including the General Data Protection Regulation (EU) 2016/679 and the applicable Irish Data Protection Acts 2018.

How do we collect your Information and what information do we collect?

Your information is collected in a number of different ways. This might be from a referral made by your GP or another healthcare professional you have seen, or perhaps directly from you - in person, over the telephone or on a form you have completed in person or via our website. There may also be times when information is collected from your relatives or next of kin – e.g. if you are taken to our emergency department (A&E) but you are very unwell and unable to communicate. During your treatment health specific data will be collected by the doctors, nurses and healthcare staff taking care of you and will be held in your patient chart.

Some of the ways we collect information from / about you are:-

- Referral letter received by us
- Telephone call from a GP or other third party
- Registration form completed and sent in to our central booking office
- Attendance at a clinic or emergency room
- Admission to the hospital
- Insurance form completed.

The information that we collect about you may include details such as:

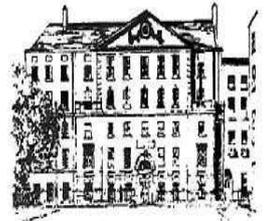
- Name, address, telephone, email, date of birth and next of kin
- Any contact we have had with you through appointments and hospital attendances
- Details and records of treatment and care, notes and reports about your health, including any allergies or health conditions
- Results of diagnostic tests, e.g. x-rays, scans, blood tests
- Financial and health insurance information



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- Other relevant information from people who care for you and know you well, e.g. health professionals, relatives and carers.
- We may also collect other information about you, such as your sexuality, race or ethnic origin, religious or other beliefs, and whether you have a disability or require any additional support with appointments (like an interpreter or advocate).
- CCTV and security information.

Why do we collect information about you?

To make sure you get the best care, doctors, nurses and the team of healthcare staff caring for you keep records about your health and any care or treatment you may receive from us. 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.

How do you store my personal data?

Under GDPR, strict principles govern our use of personal data and our duty to ensure it is kept safe and secure. Your data will be stored on our electronic records management system. All our records have restricted access controls, so that only those individuals who have a need to know the information can get access. This includes the use of computer passwords, audit trails and physical safeguards e.g. security controlled access.

How we use your information and is this important?

We use your information **to manage and deliver your care (Direct Care)** to ensure that:

- The right decisions are made about your care
- Your treatment is safe and effective; and
- We can coordinate with other organisations that may be involved in your care.

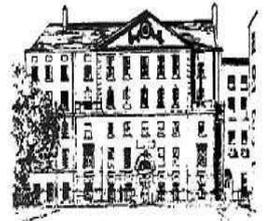
This is important because having accurate and up-to-date information will assist us in providing you with the best possible care.



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In addition to using the data to provide for your care, this data is also routinely used **to improve services and plan for the future (Indirect Care)**, therefore, your data may be used in:

- Evaluating and improving patient safety
- Reviewing the care provided to ensure it is of the highest standard possible, improving individual diagnosis and care. This can be carried out by multiple quality improvement methods e.g. clinical audit.
- Training healthcare professionals
- Ensuring that our services can be planned to meet the future demand. E.g. analysing peak times, staffing levels and average length of stay, projected demand by disease/condition.
- Preparing statistics on hospital performance and monitoring how we spend public money
- Supporting the health of the general public e.g. Influenza, winter vomiting bug.

The activities listed above are part of normal delivery of care and under GDPR your consent is not required. However we recognise our duty to always keep your data secure and confidential and where appropriate we de-identify your data when using it for improvement.

Using the data **to understand and develop new treatments and techniques (Research)**

Research in healthcare is vital in helping develop understanding about health risks and causes to develop new treatments. It is usual for patient information to be used for research.

Your consent will be sought prior to being asked to participate in a research study or to have your personal data used in a research study. In some circumstances, consent exemptions may be granted by the Health Research Board Consent Declaration Committee (HRBCDC). You will not be identified in any published results without your prior agreement.

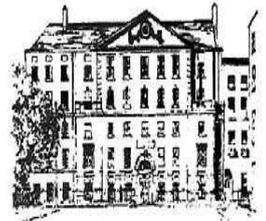
What is the legal basis for processing?



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We will only use your personal data for the purposes and legal bases set out in the table below. It is important that your health records are accurate and up-to-date as they will help make sure that any staff looking after you are able to provide you with the care that you require.

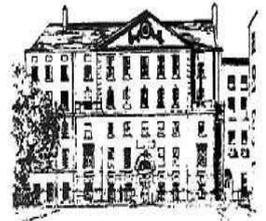
Category	Legal Basis under General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018
<p>To manage and deliver your care (Direct Care)</p>	<ul style="list-style-type: none"> ○ Article 6(1)(c) GDPR “processing necessary for performance of contract” with the data subject, or Article 6(1)(e) – ‘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, or Article 6(1)(f) – processing is necessary for the purposes of legitimate interests. ○ Article 9(2)(h) GDPR– ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’ or Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as...ensuring high standards of quality and safety of health care...’
<p>To improve services and plan for the future (Indirect Care)</p>	<ul style="list-style-type: none"> ○ <i>Data Protection Act 2018, Section 52(1) (a)</i> – ‘for the purposes of preventative or occupational medicine’, <i>Section 52(1) (d)</i> ‘for the provision of medical care, treatment or social care’ and/or <i>Section 52(1) (e)</i> for the management of health or social care systems and services’ which allows patient information to be used for clinical audit provided that appropriate measures are taken to safeguard the fundamental rights of the data subject. <p>Data Protection Act 2018, Section 53(b) – ‘ensuring high standards of quality and safety of health care...’</p>



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To understand and develop new treatments and techniques (Research)	<p>Where we rely on consent as the legal basis for processing, you can withdraw your consent at any time; this follows GDPR Art 6(1)(a), "the data subject has given consent to the processing of his or her personal data for one or more specific purposes; and Art 9(2)(a) "the data subject has given explicit consent to the processing of those personal data for one or more specified purposes..."</p> <p>In some circumstances, consent exemptions may be granted by the Health Research BN ...HRBCDC (Health Research Regulations 2018).</p>
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Who do we share your personal data with?

We only disclose personal data provided by you to external third parties in connection with specific purposes and compliance, including:

- Other health care organisation that are involved in your care.
- Third parties who provide services to us
- Authorities and bodies where required or permitted by law, e.g. HIQA, National Cancer Registry Ireland, Health and Safety Authority
- National organisations e.g. National Office of Clinical Audit (NOCA).

Do we transfer your data outside of Ireland?

In some circumstances we may need to transfer your personal data outside of Ireland in order to provide the best care and services possible. Any transferred undertaken with be protected by Data Sharing Agreements and contracts.

How long do you hold on to my personal data?

We will retain your information for as long as necessary to provide you with services, and to comply with our legal and regulatory obligations.

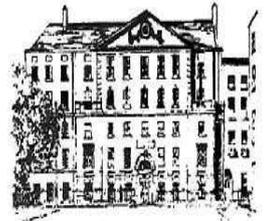
We are committed to protecting your personal data to the very best of our ability and take the appropriate steps to do that in collecting, storing and destroying your data.



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Disclosure of your information

We may disclose your personal data to:

- A third party who provides a service to us
- A public authority in the event that we are required to do so by law
- A prospective seller or buyer of any our business or assets
- A third party where we are under a duty to disclose or share your personal data in order to comply with any legal obligation
- A third party where it is necessary to protect the vital interests of the data subject or another natural person
- A third party where necessary for our legitimate business interests to protect the rights, property, or safety of NMH, our customers, or others
- Your registered GP

Some of the ways we may share your information with your consent is as follows:

- With another Hospital
- With a third party representative
- With your next of kin
- For non-anonymised research
- With your insurance company

Research: Anonymised data is used as a basis for clinical audit and for research purposes. The NMH is a teaching hospital; we work closely with University College Dublin (UCD). Research projects are approved by the NMH Research Ethics Committee.

Anonymised data is shared with the National Treatment Purchase Fund (NTPF).

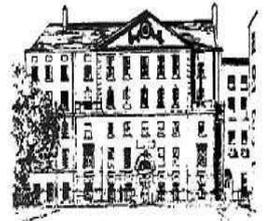
Some personal data is also shared as follows and may be applicable to you:



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- General Registrar's Office – for the purposes of birth registration
- Cancer Research
- Infectious Diseases
- IBTS
- HPO
- PHN – Public Health Nurses
- Child protection
- Department of Social Welfare (where legislation permits)
- Congenital Anomaly Register
- An Garda Síochána (where legislation permits)

When other organisations are involved in your care we may need to share details about you to enable us to work together for your benefit. Information will only be shared with them if they have genuine need for it and where possible we will ask for your consent on this.

What are my rights relating to personal data?

You have the right to request access to, rectification, or erasure of your personal data, or restriction of processing or object to processing of your personal data, as well as the right to data portability. In each case, these rights are subject to restrictions as laid down by law. The following is a summary of your rights:

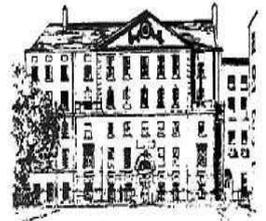
- **The right of access** enables you to receive a copy of your personal data
- **The right to rectification** enables you to correct any inaccurate or incomplete personal data we hold about you
- **The right to erasure** enables you to ask us to delete your personal data in certain circumstances
- **The right to restrict processing** enables you to ask us to halt the processing of your personal data in certain circumstances



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- **The right to object** enables you to object to us processing your personal data on the basis of our legitimate interests (or those of a third party).
- **The right to data portability** enables you to request us to transmit personal data that you have provided to us, to a third party without hindrance, or to give you a copy of it so that you can transmit it to a third party, where technically feasible.

You have the right to lodge a complaint with the Data Protection Authority, in particular in the Member State of your residence, place of work or place of an alleged infringement, if you consider that the processing of your personal data infringes the GDPR.

If you wish to exercise any of these rights, please contact us (see below). We will respond to your request within one month. That period may be extended by two further months where necessary, taking into account the complexity and number of requests. We will inform you of any such extension within one month of receipt of your request. We may request proof of identification to verify your request. We have the right to refuse your request where there is a basis to do so in law, or if it is manifestly unfounded or excessive, or to the extent necessary for important objectives of public interest.

Can I access my information?

Under the Data Protection Act 2018 / GDPR you have a right to obtain a copy / access any electronic or manual information that the NMH holds about you. The hospital will provide you with a copy of your personal data held by the hospital on request free of charge within 30 days from the date you make the access request.

In certain circumstances access to your records may be limited, e.g. if it is felt to be in your best interest or for the protection of others.

If you would like a copy of your personal data, please write in to the Data Protection Officer enclosing a copy of your photo ID (proof of identity) with your signed (Data Protection Subject Access Request Form - **Appendix A**) request to:

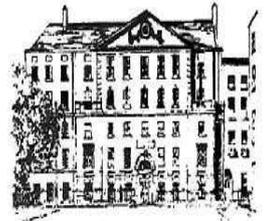
Data Protection Officer,
The National Maternity Hospital,
Holles Street,
Dublin 2.
DO2 YH21
Or email dpo@nmh.ie



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We are unable to accept access requests via telephone.

How to make a complaint?

You have the right to make a complaint if you feel unhappy about how we hold, use or share your information. To make a complaint directly to the hospital see the contact information for the Complaint Manager below. You also have the right to make a complaint to the Data Protection Commissioner (DPC) by emailing info@dataprotection.ie

Who to contact if you have any queries about your personal data?

Accessing your information	Making a complaint	Data Protection
Subject Access Request Data Protection Department National Maternity Hospital Holles Street Dublin 2 Email: dpo@nmh.ie	Making a complaint Complaint Manager NMH Holles Street Dublin 2 Email: rirwin@nmh.ie	Data Protection Officer Data Protection Department NMH Holles Street Dublin 2 Email: dpo@nmh.ie

Further guidance about data protection can be obtained from the Data Protection Commissioners website at www.dpc.ie or www.gdprandyou.ie

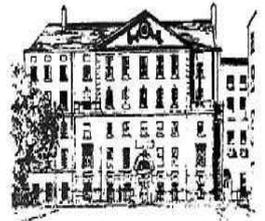
Appendix A



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Subject Access Request (SAR)

Subject Access Form (SAR)

Data Protection Department
National Maternity Hospital
Holles Street
Dublin 2

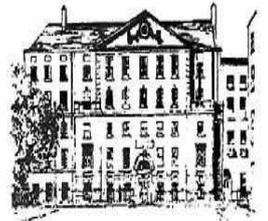
Surname (when patient of hospital):	
Forename (when patient of hospital):	
Current Surname (if different at present):	
Home Address (when patient of hospital):	
Current Home Address (if different at present):	
Date of Birth:	
Hospital Number (if known):	
Phone Number:	Work Number:
Email Address:	
Proof of Identity: (attach copy of ID)	
Please specify below what type of record you wish to access with relevant and applicable dates:	



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Signature:	Date:

02/02/2020