


Confidentiality -it's your right

How the NHS protects your
personal health information

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NHS
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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 GP surgery.

Your Emergency Care Summary

Most patients in Scotland now have something called an Emergency Care Summary. This is a summary of basic information about your health which might be important if you need urgent medical care when your GP surgery is closed, or when you go to an accident and emergency (A&E) department. It means that NHS staff looking after you can get important information about your health, even if they cannot contact your GP surgery.

You will be asked for your permission before any member of staff looks at your Emergency Care Summary.

For more information, see the leaflet 'Your Emergency Care Summary – What does it mean for you?' You can get a copy from your GP surgery, by phoning the NHS Helpline on 0800 22 44 88, or on the internet at www.hris.org.uk/ecs

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.

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.

Free text enquiry service: text 'SCLC' followed by your question to 80800

Email: enquiries@sclc.org.uk

Website: 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, 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

Email: opg@scotcourts.gov.uk

Website: www.publicguardian-scotland.gov.uk

- For more information about the rights of people with mental illness or disorder, contact the Mental Welfare Commission for Scotland. They can also give you information and advice on people's rights under the Adults with Incapacity Act.

Mental Welfare Commission for Scotland

K Floor

Argyle House

3 Lady Lawson Street

Edinburgh

EH3 9SH

Phone: 0131 222 6111

Freephone number for service users and carers:

0800 389 6809

Fax: 0131 222 6112

Website: www.mwcscot.org.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 below.

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

Helpline number: 01625 545 745

Fax: 01625 524 510

Website: www.ico.gov.uk

