

**Information Governance - Data Protection**

**Privacy Notice - Moray Collaborative**

**What is happening?**

In March 2022, the Cabinet Secretary announced that consultant-led maternity services will be delivered in Dr Gray's Hospital (DGH), Elgin. In March 2023, a high-level delivery plan with milestones and timescales was approved by the Scottish Government. This plan was developed and delivered jointly by NHS Grampian (NHSG) and NHS Highland (NHSH) otherwise known as the Moray Collaborative.

The phased implementation of the plan aims to deliver the following outcomes

- Enhancing complex antenatal care provision at DGH
- Delivery of consultant supported triage and day assessment at DGH
- Planned caesarean sections taking place at DGH for women who meet the specified criteria
- Consultant-led obstetric births at DGH

In order to facilitate this provision of service regional working provides an opportunity for staff employed by NHS Grampian to work in NHS Highland and vice versa.

**How is my data being used**

- Health services to provide safe and effective care to you and your baby regardless of where you access care or give birth to your baby. It is therefore important that the staff who are caring for you and your baby have access to the relevant data about your health and care. Data will be collected on paper and on electronic health systems (e.g., BadgerNet, Trakcare, Opera, Sci Store, HEPMA, this list is not exhaustive).
- In addition to using your data to provide direct care to you and your baby the secondary use of your data allows development of services to be data informed.

Gaining insight into what services are utilised by women and newborn babies in NHS Highland and NHS Grampian during pregnancy, birth and the postnatal period allows more accurate projections to be made regarding resources, staffing and infrastructure required to sustain and develop services.

- Statistical data is shared with the Scottish Government
- Data is shared for service planning within the Maternity Collaborative and will be used throughout the project to evaluate and measure the impact the project has had on service provision. The data could also be used in the future for research, possibly by an external party.
- Data will be accessed in the process of auditing care.

### **Personal data and Special categories of personal data**

In order to provide person centred care to you during your pregnancy, the birth of your baby and during the postnatal period we will require to document both personal and special category data regarding you and your family.

Personal data refers to demographic data i.e. name; DOB; address; contact telephone number/email; country of origin and unique identifiers such as your CHI number.

Special Category data refers to:

1. Personal data revealing racial or ethnic origin.
2. Religious or philosophical beliefs.
3. Data concerning health.
4. Data concerning a natural person's sex life or sexual orientation.

The information processed may include but is not limited to the following: the mother's full name; address, postcode, date of birth; gender; CHI number, telephone number; email address (if supplied) country of origin; ethnicity; religion; GP; Next of Kin details; maternity health data and previous pregnancy history which

## OFFICIAL

is not limited to consultations and contacts, CTG's, imaging, diagnosis, diagnosis, tests and results; medical history; medication history; previous pregnancy history; social history; family/partners personal details and medical and social history; lifestyle history, such as smoking / alcohol / drug use. We also store social data relating to you which relates to your social circumstances and protection data.

Information processed which relates to the child is: name, address, postcode, date of birth, CHI, gender, ethnicity, health data, any social work involvement.

We may also process data relating to family members which may include family medical history, siblings to the child/other children in family e.g. stepchildren, any individuals who assist with childcare.

Only staff who require access as part of their role in providing you or your baby with care will have access to your data.

### **Data controller**

NHS Grampian and NHS Highland are the data controllers of your data. Where healthcare provision is shared between NHS boards the responsible data controller is the NHS board where the information was originally documented.

Both Boards retain data securely and in accordance with the Scottish Government Records Management Code of Practice for Health and Social Care (Scotland) 2024 available at <https://www.digihealthcare.scot/app/uploads/2024/08/RM-CoP-for-HSC-2024-v04.0-MASTER-2024-08-09.pdf> or its successor(s).

For full details of NHS Highland and NHS Grampians overarching privacy notices please see the links in the 'Your Rights' section below.

### **Lawful processing**

NHS Grampian and NHS Highland, as the data controllers, are required to have a legal basis when using personal information. NHS Grampian and NHS Highland normally considers that performance of our tasks and functions are in the public interest and further

## OFFICIAL

to our official authority under the 1978 Act. 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. In some situations, we may rely on a different legal basis; for example, 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 the legal obligation. Another example would be for compliance with a legal obligation to which NHS Grampian is subject. For example, we have a duty under the Public Health etc (Scotland) Act 2008 to notify Health Protection Scotland when someone contracts a specific disease.

When we are using more sensitive types of personal information (special categories of personal data), including 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; or
- for reasons of public interest in the area of public health; or
- for reasons of substantial public interest for aims that are proportionate and respect people's rights; or
- for archiving purposes, scientific or historical research purposes or statistical purposes, subject to appropriate safeguards; or
- in order to protect the vital interests of an individual; or
- for the establishment, exercise, or defence of legal claims or in the case of a court order

### **Your rights**

We respect your rights and preferences in relation to your data. Further information on how NHS Highland and NHS Grampian processes your personal data across our services can be found by following links below.

## OFFICIAL

If you wish to update, access, erase, limit, or complain about the use of your information, please let us know by emailing the contact details below for the relevant Health Board.

### **NHS Highland**

Email: [nhsh.dpohighland@nhs.scot](mailto:nhsh.dpohighland@nhs.scot)

Privacy Notices: <https://www.nhshighland.scot.nhs.uk/about/publications-and-public-records/privacy-notice/>

### **NHS Grampian**

Email: [gram.infogovernance@nhs.scot](mailto:gram.infogovernance@nhs.scot)

Privacy Notices: <https://www.nhsgrampian.org/about-us/data-protection/>

You may also wish to contact the Information Commissioner's Office for information on data protection, or to raise a concern or a complaint. Further information can be found on their website at [www.ico.org.uk](http://www.ico.org.uk)