

NHS Grampian and NHS Scotland Health Boards

Information Governance – Data Protection

Adult Respiratory Extracorporeal Membrane Oxygenation (ECMO) Service for Scotland – NHS Grampian

What is happening and how is my data being used?

The Adult Respiratory Extracorporeal Membrane Oxygenation Service or ECMO service for Scotland is being ran by NHS Grampian for the Health Boards in NHS Scotland (NHSS). It uses a referral management platform called 'referapatient'. This platform allows an electronic referral to be sent by another NHSS Health Board to NHS Grampian's ECMO Service. The referrals are made from the originating NHSS clinician via referapatient to the ECMO service for those patients in scope.

Referapatient is being implemented in NHS Grampian as Scottish wide service to replace the current referral system. Previously referrals have been managed on behalf of NHS Grampian by Leicestershire Partnership NHS Trust, an ECMO centre in England. They have provided access for NHS Grampian clinicians to their systems for the management of patients in scope for treatment in Aberdeen and a referral pathway for referral to the Scottish Centre.

Personal data and Special categories of personal data

The information processed in referapatient is: your name; date of birth; sex; and CHI number which are all used to identify you. Along with this we also process information relating to your ethnicity, diagnosis of health condition you are being referred for and all relevant health data relating to your condition and treatments to date; this information is used to as part of the referral process to the ECMO service which is explained to you or your NOK by your clinician who is making the referral.

Data controller

The referapatient system is managed externally by Bloomsbury Health Ltd and is hosted in the cloud by Memset Ltd and Amazon Web Services (AWS). Referapatient's data centres are in London and your data will stay in the UK. Referapatient requires NHS Grampian users

and referring NHSS clinicians to have authenticated access to NHS Grampian's systems. Bloomsbury Health Ltd are NHS Grampian's data processor for the data which is being managed and stored in the referapatient system. Bloomsbury Health and their sub-processors (Memset Ltd and AWS) do not have any access to your data. NHS Grampian have signed a contract with Bloomsbury setting out instructions and standards on how your information is processed by them and their sub-processors.

NHS Grampian is the data controller for the information shared by with the referring NHSS clinicians in the referapatient system and the information shared back. It resides in the referapatient system until the referral is closed where it is then manually transferred to NHSG Grampian's Intensive Care Unit system IntelliSpace Critical Care and Anesthesia (ICCA). A full data download is completed on a regular basis. Once these downloads have been completed and confirmed Bloomsbury Health delete all the data held in the system securely. It is retained in the same way as the other medical information we hold about you. Please see our full privacy notice for more information -

https://foi.nhsgrampian.org/globalassets/foidocument/foi-public-documents1---all-documents/nhs_grampian_data_protection_notice.pdf.

When the response to the referral is passed back to the referring clinician via the referapatient system, the Health Board for the referring clinician becomes the data controller for that information. You should consult their privacy notice for information on how they use and retain your data. NHS Inform also provides information how NHS Scotland uses and retains your data; please see the link below:

<https://www.nhsinform.scot/care-support-and-rights/health-rights/confidentiality-and-data-protection/how-the-nhs-handles-your-personal-health-information>

NHS Scotland Boards share your personal data under a high level Agreement known as the [Intra NHS Scotland Information Sharing Accord \(2020\)](#).

Lawful processing

We assert that it is lawful for us to process your personal data in this way as:

- 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;
- processing necessary in order to protect the vital interests of the data subject or of another natural person;

- processing is necessary for compliance with a legal obligation to which the controller is subject.

We assert that it is lawful for us to process special categories of your personal data in this way as:

- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards...;
- processing necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- processing [may be] necessary for reasons of public interest in the area of public health...
- processing [may be] necessary for the establishment, exercise or defence of legal claims...

Your rights

We respect your rights and preferences in relation to your data. If you wish to update, access, erase, limit, or complain about the use of your information, please let us know by emailing nhsq.infogovernance@nhs.net in the first instance and we will consider your questions. You may also wish to contact the Health Board under which your care is being delivered or the Information Commissioner's Office.