

Privacy Notice – Black Country Pathology Service (BCPS)

The BCPS provides Pathology Services across the Black Country for NHS and private organisations. When you attend a clinical appointment and require pathology tests, your tests may be sent to one of our labs. Our labs are based at

- New Cross Hospital, Wolverhampton
- Sandwell Hospital, West Bromwich
- City Hospital, Birmingham
- Russell's Hall Hospital, Dudley
- Walsall Manor Hospital, Walsall

The BCPS is hosted by the Royal Wolverhampton NHS Trust on behalf of the partner Trusts:

- Walsall Healthcare NHS Trust
- Dudley Group NHS Foundation Trust
- Sandwell and West Birmingham NHS Trust

As a pathology testing service, we are monitored by a number of external organisations including:

- [Department of Health](#)
- [NHS England](#)
- [United Kingdom Accreditation Service](#)

The BCPS utilises a number of systems to process your sample, record and transmit the result to your clinician and these include:

- The Laboratory Information Management systems
- The electronic order communication systems
- Scientific analyser equipment and interfaces
- Digital pathology systems
- Electronic communications e.g. emails
- Regional Digital Pathology System



What information do we collect about you?

To ensure that we are able to complete the tests requested we have to gather certain information which may either directly affect the way we perform the tests or which we require to ensure the result is transmitted back to your clinical record.

For example, sex is a key influence on some tests that we are asked to carry out.

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

- name, NHS number, other unique hospital or care identifiers address, telephone, email, date of birth and sex
- details needed to undertake pathology testing including information relating to your treatment, notes and reports about your health, including medications, allergies or health conditions
- results of pathology tests including blood test, microbiology tests and cellular pathology tests.
- We may also collect other information about you, such as your ethnicity.
- Digital pathology images (whole slide images and associated data)



Test results are then used to support the delivery of your treatment or for Public Health purposes such as complying with the COVID pandemic statutory requirements.

We must keep records of the testing undertaken and the results of those tests in line with the NHS Records Management Code of Practice 2020.

How do we use this and what is the legal basis?

Information is processed to support clinicians provide direct care for their patients. This would also include

- preventive or occupational medicine,
- the assessment of the working capacity of an employee,
- medical diagnosis,
- the provision of health care or treatment
- local clinical audit

Additionally Information is captured and provided directly to Public Health England - Processing that is necessary for reasons of public interest in the area of public health, and is carried out (i) by or under the responsibility of a health professional, or (ii) by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law.

The legal basis for these uses are covered under:

GDPR Article 6 Condition for personal data

6(1)(e) '...for the performance of a task carried out in the public interest or in the exercise of official authority...'

6(1)(c) '...necessary for compliance with a legal obligation...'

GDPR Article 9 Condition for special categories (sensitive data)

9(2)(h) '...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...'

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...'

Research Data

Information may also be collected in our systems for any research projects that you participate in covered by:

GDPR Article 9 Condition for special categories (sensitive data)

9(2)(j) '...scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or member State law which shall be proportionate...and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject ...'

Who do we share your information with?

General Pathology

Information is provided by clinicians requiring Pathology testing of samples who provide information in the form of test requests which are sent with the sample to be tested. These are recorded either electronically into LIMs via an electronic order communications system or is manually input by BCPS staff into LIMs when the sample arrives at the lab with the paper request form.

Results are then sent back to the requester either in return via the electronic system or as paper or PDF email results. Where results are emailed, they are only sent to secure encrypted NHS.net email addresses.

Results are also made available for view on your health record at other Trusts which have access to the Openet Group used by:

- Royal Wolverhampton NHS Trust
- Walsall Healthcare NHS Trust
- Dudley Group NHS Foundation Trust
- Sandwell and West Birmingham NHS Trust

Our system suppliers are also able to access these records as required for providing support but your information will not routinely be shared with them.

Digital Pathology

Digital images captured as part of Cellular Pathology testing will be shared with the Lead digital laboratories within the West Midlands. Further information explaining the Digital Pathology purposes and data sharing groups can be found at <https://wmcanceralliance.nhs.uk/transforming-services/networking-services/pathology>.



Who and where do we obtain your information from?

Information can be collected from:

- your GP or other clinician
- directly from you if you use direct order tests
- from one system to another

These may be transmitted via electronic interfaces or sent to us on paper forms.



What rights do I have in relation to my information?

Below is a list of the rights you have in relation to your data and when they apply. To make an application for any of the below rights please contact the Data Protection team rwh-tr.dataprotectionteam@nhs.net in the first instance. All rights should be considered within 30 calendar days from date of receipt, but may be extended if complex.

- **The Right of Access**
You have the right to request a copy of any information held by the Trust as well as any supplementary information. See [How do I request my information?](#) for details on how to request your information.
- **The Right to be Informed** about the collection and the use of their personal data.
- **The Right to Rectification** - to have inaccurate personal data rectified, or completed if it is incomplete
- **The Right to Data Portability**, which allows the data subject to obtain and reuse their personal data for their own purposes across different services
- **Rights relating to Automated Decision Making and Profiling** – where decisions may be made solely by an automated means without any human involvement usually via a computer algorithm or formula.



How do I request my information?

You have a right to see or have copies of any information held by the Trust that relates to you free of charge. We have the right to charge an administration fee in situations where repeated requests are received for the same information or the request is excessive. You will be required to prove your identity when making requests.

Subject Access Requests under GDPR rules (post 25th May18) will be processed within 30days. However, once our teams have established the volume of records requested there may be a requirement to extend this up to a further 2 months. We will contact you within 30days should this be the case.

To request access to health records please complete a Subject Access Request form, link provided below and forward on to:

Data Protection Team
Health Records Library
Location B19
New Cross Hospital
Wednesfield Road
Wolverhampton
WV10 0QP
Email: rwh-tr.dataprotectionteam@nhs.net
Telephone: 01902 307999 Extension 5544



How long is my information kept for?

All our records are destroyed in accordance with the NHS Retention Schedule, which sets out the appropriate length of time each type of NHS records is retained. We do not keep your records for longer than necessary.

All records are destroyed confidentially once their retention period has been met, and the Trust has made the decision that the records are no longer required. For more information please see the [Record Management Code for Practice 2020, retention schedules.](#)

Retention of samples for clinical purposes can be for as long as there is a clinical need to hold the specimen or sample. Reports should be stored on the patient file.

Data retention in our systems is in line with the Royal College of Pathologists and the NHSx Records Management Code of Practice 2020 .

<https://www.rcpath.org/uploads/assets/049ea966-df5c-4a9f-9353ba24a69bb808/The-retention-and-storage-of-pathological-records-and-specimens-5th-edition.pdf>

If a clinician or patient requests for a record to be deleted this will be assessed in terms of the potential impact to treatment before any “deletion” is considered.



How to make a complaint

If you have any questions about your care or a complaint, please speak to the health professional with your care in the first instance. If this is not resolved to your satisfaction you can contact the [Patient Advice and Liaison Service \(PALS\)](#). If you have any concerns about how your information is being processed or any of the rights as detailed above, please contact the Trust in the first instance through:

Data Protection Team
Health Records Library
Location B19
New Cross Hospital
Wednesfield Road

Wolverhampton

WV10 0QP

Email: rwh-tr.dataprotectionteam@nhs.net