

DATA PROTECTION and PRIVACY STATEMENT

INTRODUCTION - ENSURING PRIVACY

Bon Secours Health System (“BSHS”) is guided by its mission and values in all its activities and understands that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all of our patients and residents and will only collect and use personal data in ways that are described here, and in a way that is consistent with our obligations and your rights under the General Data Protection Regulation.

All medical information under the GDPR is deemed as a special category of personal information. Personal data BSHS gather will be “processed” in accordance with all applicable data protection laws including the GDPR and the applicable Irish Data Protection legislation. For the purposes of the GDPR, Bon Secours Health System CLG is a “Data Controller” registered with the Irish Data Protection Commission (DPC).



BON SECOURS HEALTH SYSTEM

1.0: WHAT DOES THIS DATA PROTECTION AND PRIVACY STATEMENT COVER?

This Privacy Statement explains how BSHS use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

To assist in safeguarding your information, BSHS has developed a set of fundamental information governance principles and policies to ensure that it minimises the amount of personal data it collects, that it uses personal data only for the purpose it was obtained and in accordance with its legal obligations.

BSHS promotes good information governance practices among its staff and monitors and improves internal policies, procedures, and uses Information Communications Technology (ICT) security tools to ensure that all personal data is protected against theft, accidental loss, unauthorised access or alteration, erasure, use or disclosure.

2.0: ABOUT BON SECOURS HEALTH SYSTEM

BSHS is a not-for-profit organisation with its mission centred on providing compassionate, world class medical treatment to all those it serves in its 5 modern acute hospitals in Cork, Dublin, Galway, Tralee and Limerick, as well as in its Care Village in Cork. BSHS is accredited by the Joint Commission International Accreditation Standards for Hospital (JCI), the leading organisation in the international accreditation of hospitals for quality and patient safety.

All personal data we gather will be processed in accordance with all applicable data protection laws and principles, including the EU General Data Protection Regulation and the applicable Irish Data Protection legislation.

3.0: PERSONAL DATA?

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679) (“GDPR”) as ‘any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier’ such as your Medical Record Number (MRN) or Individual Health Identifier.

4.0: BON SECOURS AS A DATA CONTROLLER

A Data Controller is the legal entity which determines how and why personal data is collected and used.

The Bon Secours Health System Group Offices are located at, 7 Riverwalk, Citywest, Dublin 24, D24 H2CE.

5.0: WHAT ARE YOUR RIGHTS?

Under the GDPR, you have the following rights, which BSHS will always work to uphold:

1. The right to be informed about our collection and use of your personal data.
2. The right to access personal data BSHS holds about you (see **Part 13** of this Statement).
3. The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete.
4. The right to erasure, for example the right to ask us to delete or otherwise dispose of any of your personal data that we have, where there is no compelling reason to continue processing.
 - This right only applies in certain circumstances; it is not an absolute right.
5. The right to restrict (i.e., prevent) the processing of your personal data.
6. The right to object to us using your personal data for a particular purpose or purposes.
7. The right to data portability. This means that, if you have provided personal data to us directly, we are using it with your consent or for the performance of a contract or the provision of medical care or treatment and that data is processed using automated means, you can ask us for a copy of your data to reuse with another service in many cases.
8. Rights relating to automated decision-making and profiling. We do not use your personal data in this way.

We will be unable to fulfil an erasure request if the personal data is required for the treatment of an active patient.

In certain circumstances we may need to retain information to ensure your preferences are respected in the completion of our duties. For example, we won't erase all information about you where you have asked us not to send you marketing material as your preference not to receive marketing material would be erased.

This Privacy Statement should tell you what you need to know, but for more information about our use of your personal data or exercising your rights as outlined above, please contact us using the contact details provided in **Part 14** of this Statement.

Further information about your rights can also be obtained from the DPC. If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the:

**Data Protection Commission,
21 Fitzwilliam Square South, Dublin 2 D02 RD28, Ireland.
Email: info@dataprotection.ie, www.dataprotection.ie**

6.0: WHAT PERSONAL DATA DO WE COLLECT AND WHY?

As a healthcare provider it is important for us to have a complete picture about your health in order to care for you. The personal data we collect enables us to confirm your identity when we contact you, or when you contact us. It enables us to provide the correct high-quality care to meet your individual needs. BSHS relies on you to provide accurate and complete information to ensure that we can deliver appropriate care and services. It is important that you provide up-to-date details about your personal, contact, and health information at the time of admission or when any changes occur.

Notify us without delay if there are any changes to your personal, health, or contact information (such as a change in address, contact number, or insurance provider), to ensure that we have the most current and correct data for you. Failure to provide accurate information may impact the quality of care we can provide, the processing of insurance claims, or billing, and may delay or complicate treatment.

Our staff including our nurses, doctors and other healthcare professionals caring for you, keep records about your health and the care you receive for the purposes of preventative medicine, medical diagnosis, medical research, the provision of medical care and treatment and the management of healthcare services. Having accurate and up-to-date information will assist us in providing you with the best possible care.

The following is a non-exhaustive list of various categories and types of personal data we may collect, and this may vary according to your relationship with us:

- Personal details about you, your date of birth, address, mobile phone number, contact detail, Nominated Individual.
- Financial and health insurance information
- Clinical information such as treatment procedures diagnosis and reports
- Results of investigations, such as X-Rays and laboratory tests
- Patient feedback, enquiries received, log of calls received, log of complaints received, and
- CCTV image recordings.

BSHS may process certain special category data which may include health information, racial or ethnic origin, religious or philosophical beliefs, genetic data, biometric data, health data.

7.0: WHAT LEGAL BASIS DO WE USE?

While the type of personal data we process may change occasionally, we believe it is important that you are aware of the types of personal data we gather and use. Under the GDPR, we must always have a lawful basis for using your personal data. The lawful basis for Bon Secours processing your Special categories of personal data are as follows:

- The processing is necessary in order to protect your vital interests.
- Pursuant to a contract with you, the HSE, your health insurer or the National Treatment Purchase Fund (NTPF).
- Contact you in relation to queries and appointments or manage your admissions and bookings.
- For the purposes of preventative or occupational medicine.
- For the provision of healthcare treatment.
- For the provision of medical diagnosis.
- For the management of health or social care systems and services.
- For the purposes of sending, details about our services where you have consented to receive them.
- For the purposes of invoicing, billing, and account management.
- For the purposes of our legitimate interests such as to prevent fraud, establishing, exercising or defending a legal claim.

BSHS only process personal data where it is necessary and may use typically one of the following purposes:

- 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.
 - To coordinate with other organisations or your GP that may be involved in your care.
 - To remind you of appointments by email, phone, and/or text.
 - To provide translation services to ensure you are informed about your care and treatment.
- To assist in safeguarding patients, visitors, staff, property and crime prevention.

If the purpose of the processing is for a reason other than the reasons above, we will seek your consent to process your sensitive personal data.

7.1: SERVICE PROVIDERS

BSHS will not knowingly employ, contract or bill for any individual, contractors or entities that has been listed as debarred, excluded or ineligible for participation in their profession and carries out sanction screening activities for verification purposes from publicly available Sanction Lists.

7.2: HEALTH RESEARCH

BSHS promotes a minimum use of personal data in all its health research projects and all researchers are required to complete a ‘Data Protection Impact Assessment’ in relation to the personal data they wish to collect and use in their research study.

Research in healthcare is vital in helping develop understanding about health risks and causes to develop new treatments. All Health Research at BSHS is reviewed and approved in advance by our Research Ethics Committee. 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 unless your consent is deemed not necessary under the Health Research Regulations 2018. In some circumstances, consent exemptions may be granted by the Health Research Board Consent Declaration Committee (HRBCDC). In such circumstances you will not be identified in any published results without your prior agreement. More information can be found on our website and on research posters placed around our hospitals and care facilities.

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

- Carry out patient satisfaction surveys, to ensure patient satisfaction or manage areas of dissatisfaction with our services.
- Evaluate and improve patient safety and care.
- Review the care we provide for you to ensure it is of the highest standard. This can be carried out using multiple quality improvement methods e.g., clinical audit, evaluating patient experience.
- Investigate complaints, legal claims, or adverse incident.
- Provide information for planning so we can meet future needs for health services.
- Provide information to prepare statistics on Health Service performance.
- Facilitate continuous training and development of our staff.
- Bon Secours recognise its duty to keep your personal data secure and confidential and where appropriate we de-identify your data when using it for quality improvement activities.

8.0: HOW WE OBTAIN YOUR PERSONAL DATA?

To provide you with the highest quality of healthcare, we need to keep records about you. Your data may be collected in a number of different ways such as a referral made by your GP or another healthcare professional you have seen, or perhaps directly from you over the telephone, in person, or on a form you have completed. There may also be times when personal data is collected from your carers, a Nominated Individual acting on your behalf, or a close relative where you might be very unwell and unable to communicate. During your treatment health specific data may also be collected by our nurses, doctors, and other healthcare professionals who are taking care of you. This personal data will be held securely in your patient chart (this can be either electronic and/or paper).

9.0: HOW DO YOU KEEP MY DATA SECURE AND CONFIDENTIAL?

Bon Secours is fully committed to ensuring that your information is secure with us and with the third parties who act on our behalf. We have a number of security precautions in place to prevent the loss, misuse, or alteration of your personal data. Staff working for BSHS have a legal duty to keep information about you confidential and staff are trained in information security and confidentiality. BSHS has strict information security policies and procedures in place to ensure your personal data is safe, whether it is held in paper or electronic format.

10.0: HOW LONG WILL YOU KEEP MY PERSONAL DATA?

BSHS only keeps personal information in either physical (paper) or in an electronic form (including electronic patient charts, clinical images taken for diagnostic or treatment purposes) for a period that is deemed necessary to carry out the function and operational purpose for which it was originally collected, unless it is specifically required by law to keep your information for longer. All personal information is subject to a specified retention period and is securely destroyed once no longer needed.

11.0: HOW AND WHERE DO YOU STORE OR TRANSFER MY PERSONAL DATA?

BSHS may store or transfer some or all of your personal data in countries that are not part of the European Economic Area (the “EEA”). These are known as “third countries” and may not have data protection laws that are as strong as those in the EEA. This means that we will take additional steps to ensure that your personal data is treated just as safely and securely as it would be treated within the EEA and under the GDPR.

We use specific contracts with external third parties who do not store data in the EEA, which are approved by the European Commission (EC) for the transfer of personal data to third countries or that will be transferred to third parties located in countries deemed by the EC as having an adequate level of data protection. These contracts ensure the same levels of personal data protection apply as are provided for under the GDPR.

12.0: DO YOU SHARE PERSONAL DATA?

Depending on your personal circumstances we may need to share personal data with selected third parties. In some cases, those third parties may require access to some or all of your personal data that we hold and may include:

- Health insurers to secure payment for your treatment where it is covered by your private health insurance policy.
- Health professionals, independent consultants and other hospitals or Community Services that require your personal data as part of the provision of health, medical, occupational health treatment or for clinical and billing audits.
- Where the healthcare professional reasonably believes the use or disclosure of your personal data is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety.

14.0: HOW TO MAKE A COMPLAINT OR PROVIDE A COMPLIMENT

BSHS has appointed a Data Protection officer (DPO) to oversee compliance with its data protection obligations. If you have questions regarding BSHS data protection practices or wish to make a complaint or provide a compliment, please do not hesitate to contact us as follows:

dpo@bonsecours.ie or write to the DPO, Bon Secours Health System Group Offices, 7 Riverwalk, Citywest, Dublin 24, D24 H2CE.



Bon Secours Health System CLG may change this Data Protection and Privacy Notice from time to time. This may be necessary, for example, if the law changes, or if we change our practices in a way that affects personal data protection.

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