

PRIVACY NOTICE

**THE INDEPENDENT REVIEW OF MATERNITY SERVICES AT
NOTTINGHAM UNIVERSITY HOSPITALS NHS TRUST
LED BY THE CHAIR OF THE REVIEW, DONNA OCKENDEN**

KEY SUMMARY

This Privacy Notice applies to:

- 1. Individuals who choose to give evidence to the Independent Review of Maternity Services at Nottingham University Hospitals NHS Trust led by Donna Ockenden (the "Review");**
- 2. Individuals who are the subject of the Review; and**
- 3. Individuals who are referred to in the course of evidence gathered as part of the Review.**

This Privacy Notice explains what personal information we collect from you, why we need to collect and use it, what legal grounds we rely on to enable us to process this data and what your rights are under the Data Protection Laws.

ABOUT US and THIS PRIVACY NOTICE

This Privacy Notice is provided by Donna Ockenden Limited ("**we**" or "**us**") who has been appointed to carry out an Independent Review of Maternity Services at Nottingham University Hospitals NHS Trust (the "**Review**"). Donna Ockenden Limited. is a **controller** of personal data for the purposes of the **Data Protection Laws**.

We use your personal data in order to carry out the Review in accordance with the Terms of Reference for the Review (published on 13 September 2022). We take your privacy very seriously. We ask that you read this Privacy Notice carefully as it contains important information about our **processing** activities and your rights.

How to contact us

If you would like this Privacy Notice in another format (for example: audio, large print, braille) please contact us at the details below.

- Data Protection Officer: Donna Ockenden
- Address: Donna Ockenden Limited
First Floor
31 North St
Chichester
West Sussex
PO19 1LX
- Telephone number: 01243 786993
- Email: maternityadmin@donnaockenden.com

Changes to this Privacy Notice

The latest version of the Privacy Notice can be found at our website at <https://www.ockendenmaternityreview.org.uk/>.

We may change this Privacy Notice from time to time. We will alert you by posting a notice on our website when changes are made.

Current version: March 2024

USEFUL WORDS AND PHRASES

Please familiarise yourself with the following words and phrases (used in **bold**) as they have particular meanings in the **Data Protection Laws** and are used throughout this Privacy Notice:

Term	Definition
controller	This means any person who determines the purposes for which, and the manner in which, any personal data is processed . Donna Ockenden Ltd. is a controller of the personal data processed for the purpose of the Review.
Data Protection Laws	This means the laws which govern the handling of personal data . This includes the UK General Data Protection Regulation as defined by the Data Protection Act 2018 and further laws and statutory instruments relating to such regulations from time to time.
data subject	This means the individual to whom the personal data relates.
ICO	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the Data Protection Laws .
personal data	<p>This means any information from which a <u>living individual</u> can be identified. It will include information such as telephone numbers, names, addresses, e-mail addresses, photographs and voice recordings. It will also include expressions of opinion and indications of intentions about data subjects (and their own expressions of opinion/intentions).</p> <p>Furthermore, it will also cover information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.</p>
processing	<p>This covers virtually anything anyone can do with personal data, including:</p> <ul style="list-style-type: none"> • obtaining, recording, retrieving, consulting or holding it; • organising, adapting or altering it; • disclosing, disseminating or otherwise making it available; and • aligning, blocking, erasing or destroying it.
processor	This means any person who processes personal data on behalf of the controller.

Term	Definition
<p>special categories of data</p>	<p>This means any information relating to:</p> <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions; • religious beliefs or beliefs of a similar nature; • trade union membership; • physical or mental health or condition; • sexual life; or • genetic data or biometric data for the purpose of uniquely identifying you.

WHAT PERSONAL DATA DO WE COLLECT?

➤ **Personal information provided by you (where given)**

The following types of personal data could relate to you or any third party (including respondents and relatives) whose information is volunteered by you:

Personal data	Special categories of data
<ul style="list-style-type: none"> • Identification information: e.g. name, contact details, address, telephone number; • Biographical information: date of birth, gender, marital status, employment status if relevant (including place of work and job position); • Core personal data relating to the Review including: <ul style="list-style-type: none"> ○ opinions including professional experience and competence of respondents and third parties; ○ data about the impact of the incident; ○ information about the provision of medical care and support before, during and after the incident; ○ other matters within the terms of reference of the Review. 	<ul style="list-style-type: none"> • Medical conditions and health data relating to the impact of the incident; • Religious beliefs; • Sexuality and sex life; • Racial or ethnic origin; • Genetic data (if relevant).

When you provide personal data about respondents and third parties you confirm that: they are aware that you have given us their data; and you have provided them with a copy of this Privacy Notice.

➤ **Personal information provided by others (e.g. NHS Trusts that appoint us to provide our Services)**

Whilst most of the personal data processed by us will be provided directly by you, we may also receive personal data about you from other sources, including (for example): NHS Trusts, healthcare providers, NHS England, the Department of Health and Social Care, previous reviews,

other public and government authorities, individuals and witnesses who have included information about you in their evidence to the Review.

In most cases information will be provided to the Review on a voluntary basis, but in exceptional circumstances, we may require personal data for the purposes of discharging a statutory function.

WHY DO WE PROCESS YOUR PERSONAL DATA?

We use your **personal data** for the following purposes listed in this section. We are allowed to do so on certain legal bases as provided below.

Where we are permitted to **process** your **personal data** based on our 'legitimate interests' (see the table below to see when this happens) we have considered the impact on your interests and rights and have put in place appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible. You can object to **processing** that we carry out on the grounds of legitimate interests. See the section headed "[Your Rights](#)" to find out how.

Type of data	Why do we need it?	Legal basis for processing
<p>Review data</p> <ul style="list-style-type: none"> - Processing undertaken in connection with the Review and in particular the preparation of the report of findings including (without limitation): <ul style="list-style-type: none"> o collating evidence including conducting interviews with families, NHS staff and other witnesses, recording interviews and preparing attendance notes and transcripts (in both written and electronic form) and other interactions, o reviewing evidence against relevant governance processes and procedures; o undertaking clinical reviews and reviewing medical records, reports, reviews and board/committee minutes, and online media; o information management, governance and administration in relation to the handling of personal data collected for the Review. 	<p>To provide our professional assessment under the Terms of Reference of the Review</p>	<p><u>Personal data:</u></p> <ul style="list-style-type: none"> - Consent (where applicable) (Article 6(1)(a) UK GDPR) - Public interest to improve quality and safety in maternity services provided by Nottingham University Hospitals NHS Trust (Article 6(1) (e) UK GDPR) - <p><u>Special categories of data:</u></p> <ul style="list-style-type: none"> - Consent (where applicable) (Article 9(2)(a) UK GDPR) - processing is necessary to provide health care related services, or in certain circumstances is also necessary for reasons of public interest in the area of public health and in both cases the information is used under an obligation of confidentiality under an enactment or rule of law; (Article 9(2) (g) UK GDPR when read with Data Protection Act 2018 Schedule 1, paragraph 6(2)(a)) - processing is necessary for reasons of substantial public interest to protect the public against dishonesty, malpractice, or other seriously improper conduct, unfitness or incompetence,

Type of data	Why do we need it?	Legal basis for processing
		<p>mismanagement in the administration of a body or association or failures in services provided by a body or association; (Article 9(2) (g) UK GDPR when read with Data Protection Act 2018 Schedule 1, paragraph 11) or</p> <ul style="list-style-type: none"> - processing is necessary for the purposes of the prevention or detection of an unlawful act, must be carried out without consent of the data subject so as not to prejudice those purposes and is necessary for reasons of substantial public interest (Article 9(2) (g) UK GDPR when read with Data Protection Act 2018 Schedule 1, paragraph 11).
<p>Referrals to specialist health care providers for the purposes of completing the Review</p>	<p>To make referrals to specialist healthcare providers for professional advice when we believe, in our professional capacity, it is in the data subject's best interests to do so</p>	<p><u>Personal data:</u></p> <ul style="list-style-type: none"> - Legitimate interests (Article 6(1) (f) UK GDPR) <p><u>Special categories of data:</u></p> <ul style="list-style-type: none"> - Necessary for health and social care purposes for the provision of health care treatment or professional advice by a health professional (Article 9(2) (h) UK GDPR). - Where the above does not apply, we will ask for the data subject's express consent either directly or through the organisation to whom we provide the Review (Article 9(2) (a) UK GDPR).
<p>Assessing and responding to general enquiries raised by individual data subjects</p>	<p>To assist and respond to your enquiries about us and our Services</p>	<p><u>Personal data:</u></p> <ul style="list-style-type: none"> - Legitimate Interests (Article 6(1) (f)

Type of data	Why do we need it?	Legal basis for processing
		UK GDPR) <u>Special categories of data:</u> Processing is necessary to establish, exercise or defend legal claims or legal rights (Article 9(2) (f) UK GDPR)

WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

We use **processors** to support our IT systems, and other ad hoc services. If you would like to know the names of our service providers, please contact us using the details at the start of this Privacy Notice.

We have also engaged a team of medically trained individuals to assist us in carrying out the Review in accordance with the Terms of Reference (the "**Reviewers**"). The Reviewers act as our **data processors**, will only process your **personal data** on our instructions and are subject to our policies and procedures.

We also share your **personal data** with the following external entities who act as separate **controllers** of your **personal data**:

- Service providers we have retained in connection with our Services such as barristers, solicitors, consultants or experts and other specialists for obtaining their services/professional advice;
- Providers of healthcare services not retained by us where we identify a need for specialist services following the Review;
- NHS England, Nottingham University Hospitals NHS Trust and other healthcare providers in order to liaise over disciplinary matters, make recommendations and share findings;
- Courts, police, other law enforcements or regulators where we are required by law to do so, where the sharing is in the substantial public interest or where we have obtained your consent to do so.

At the conclusion of the Review, we will publish our findings. This report may include personal data processed by the Review.

Please note that we may continue to share your personal data with third parties for a period of time following the winding down of the Review (provided that such disclosures are both necessary and proportionate).

Transfers of your personal data outside the UK

We do not transfer your personal data outside the UK.

How we keep your personal information secure

We strive to implement appropriate technical and organisational measures in order to protect your **personal data** against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of **processing**. We aim to ensure that the level of security and the measures adopted to protect your **personal data** are appropriate for the risks presented by the nature and use of your **personal data**. We follow recognised industry practices for

protecting our IT environment and physical facilities.

WHEN WILL WE DELETE YOUR DATA?

The following categories of **personal data** and **special categories of data** will be kept for the following periods.

<u>Personal data</u>	<u>Retention period</u>
Review data	For 6 years after the Review is completed
General enquiries including emails, correspondence and materials not directly related to the Review	9 months after the date that the Review publishes its findings.

Upon expiry of the applicable retention period, we will securely destroy your personal data.

YOUR RIGHTS

As a **data subject**, you have the following rights under the **Data Protection Laws**:

- Right to object to **processing** of your **personal data**;
- Right of access to **personal data** relating to you (known as data subject access request);
- Right to correct any mistakes in your information;
- Right to prevent your **personal data** being processed;
- Rights in relation to automated decision making (note this does not apply);
- Right to have your **personal data** ported to another controller;
- Right to withdraw your consent; and
- Right to erasure.

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see "How to contact us" above).

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within three months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the Data Protection Laws.

➤ Right to object to processing of your personal data

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**.

If you object to us **processing** your **personal data** we must demonstrate compelling grounds for continuing to do so. We believe we have demonstrated compelling grounds in the section headed "Why do we process your personal data" above.

➤ Right to access personal data relating to you

You may ask to see what **personal data** we hold about you and be provided with:

- a copy of the personal data;
- details of the purpose for which the personal data is being or is to be **processed**;
- details of the recipients or classes of recipients to whom the personal data is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which the personal data is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and
- whether we carry out any automated decision-making, or profiling, and where we do, information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us with as much information as possible about the type of information you would like to see.

➤ Right to correct any mistakes in your information

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

➤ Right to restrict processing of personal data

You may request that we stop **processing** your **personal data** temporarily if:

- you do not think that your data is accurate. We will start **processing** again once we have checked whether or not it is accurate;
- the **processing** is unlawful but you do not want us to erase your data;
- we no longer need the **personal data** for our **processing**, but you need the data to establish, exercise or defend legal claims; or

- you have objected to **processing** because you believe that your interests should override our legitimate interests.

➤ Right to data portability

You may ask for an electronic copy of your **personal data** which we hold electronically and which we **process** when we have entered into a contract with you. You can also ask us to provide this directly to another party.

➤ Right to withdraw consent

You may withdraw any consent that you have given us to **process** your **personal data** at any time. This means that we will not be able to carry out any **processing** which requires use of that **personal data**.

➤ Right to erasure

You can ask us to erase your **personal data** where:

- you do not believe that we need your data in order to **process** it for the purposes set out in this Privacy Notice;
- if you had given us consent to process your data, you withdraw that consent and we cannot otherwise legally **process** your data;
- you object to our **processing** and we do not have any legitimate interests that mean we can continue to **process** your data; or
- your data has been **processed** unlawfully or have not been erased when it should have been.

What will happen if your rights are breached?

You may be entitled to compensation for damage caused by contravention of the **Data Protection Laws**.

Complaints to the regulator

It is important that you ensure you have read this Privacy Notice - and if you do not think that we have **processed** your data in accordance with this notice - you should let us know as soon as possible. You may also complain to the **ICO**. Information about how to do this is available on its website at www.ico.org.uk.