

# NES Digital Eyecare Privacy and Data Protection Notice

The following notice applies from July 2023

## 1. About NES Digital Eyecare

NES Digital Eyecare delivers the national ophthalmology electronic patient record (EPR) in Scotland using a system called [OpenEyes](#), a leading open source EPR for ophthalmology. The system provides a secure platform for sharing your personal data and related eye care data between healthcare professionals managing your treatment for eye conditions such as glaucoma and cataract.

The system is operated and managed by NHS Education for Scotland (NES). Please see our corporate [Privacy Notice](#).

## 2. What types of personal information is collected

The set of personal and health data we use contains information about your:

- Identity
- Contact details
- Eye care diagnoses and treatments
- Medicines and medical history (these may be recorded by your care professional in the system as part of your care and treatment).

## 3. Sources of your personal information

The data we process comes from:

- Your virtual or face-to-face clinical consultations with your care professional for example, an ophthalmologist working within a hospital, an optometrist working in a community setting.
- Your care professional, or someone supporting them, uploading your image data and relevant correspondence.

- Hospital patient administration systems for your demographics and your hospital clinic appointments.
- Images and measurements taken by your healthcare professional using medical (optical) devices.

#### **4. What is the purpose of processing your personal information**

NES requires to process your personal and eye care data in order that your healthcare professional has the information to provide you with the appropriate care and treatment.

NES processes your personal and eye care data in its role as a lead digital provider for the provision of, and management of, health and social care systems and services, supporting NHS Boards in the delivery of health and social care treatment.

These data are processed by NES as the Data Processor for NES Digital Eyecare. NES processes these data on behalf of the Territorial Health Boards who are the Data Controllers.

#### **5. Our legal basis for using personal information**

NES considers that processing in NES Digital Eyecare is in the public interest. So, when using your personal information our legal basis is 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 [UK GDPR Article 6(1)(e)].

For the processing of your related eye care and health data, NES considers that its use is necessary for the management of health or social care systems and services [UK GDPR Article 9(2)(h)].

## **6. Sharing personal information with others**

The sharing of your data allows for a complete record for an episode of eye treatment to be held in a single source available to all those who require it to provide you with eye care.

Your personal data is shared with the following organisations.

- Territorial Health Boards
  - These are your local area health board. They are responsible for your care. Your local area health board may share your data with another health board should you require more specialist treatment. They are the Data Controllers for your data held in NES Digital Eyecare.
- Community Optometrists
  - On discharge from the hospital eye service, you may be asked by your hospital eye care service to have a follow-up appointment at your local community optometrist. They are Data Controllers for your data held in NES Digital Eyecare.
- Practitioner and Counter Fraud Services, part of NHS National Services Scotland (NSS)
  - They provide clinical governance and payment verification services to NHS Scotland Boards. They will have access to your data to provide these services but will not be able to change it. They act as Data Controllers of your data for the functions they perform.

## **7. Transferring personal information abroad**

All data processing in NES Digital Eyecare takes place in the UK.

## **8. Retention periods for the information we hold**

We only keep your information for as long as is necessary to fulfil the purposes for which the personal information is collected.

This includes for the purposes of meeting any legal, accounting, or other reporting requirements or obligations.

The information in NES Digital Eyecare is retained in accordance with the [Scottish Government Records Management: Health and Social Care Code of Practice \(Scotland\) 2020](#). The recommended retention period for ophthalmic records is a minimum of 7 years from the date of last attendance.

## **9. Security of your personal information**

We take our duty to protect your personal information and confidentiality very seriously and we are committed to taking reasonable measures to ensure the confidentiality and security of personal data for which we are responsible for.

All NES staff are required to undertake annual information governance training and to be familiar with information governance policies and procedures.

## **10. Your rights regarding your personal information**

You have rights regarding how we process your personal data:

- The right to be informed
- The right of access
- The right to rectification
- The right to object
- The right to restrict processing
- The right to portability
- The right to erasure
- Rights in relation to automated decision making and profiling.

See the [NES privacy page](#) for details about your rights and how to invoke them.

## 11. How to access your personal information

You have the right to access the information which NES holds about you, and why, in NES Digital Eyecare. You can do this by submitting a Subject Access Request (SAR) to your local area health board Data Protection Officer (DPO) ([contact details on NHS Inform](#)) or to the NES DPO (contact details below).

NES will inform your local area health board DPO of the request as they are the data controllers of your data. NES will provide information under SAR on instruction from your local area health board.

Requests must be made in writing, and you will need to provide:

- Adequate information [for example full name, address, date of birth, staff number etc] so that your identity can be verified, and your personal data located.
- An indication of what information you are requesting to enable us to locate this in an efficient manner.

We will aim to comply with requests for access to personal data as quickly as possible. We will ensure that we deal with requests within 30 days of receipt unless there is a reason for delay that is justifiable.

## 12. Your right to complain

NES employs a Data Protection Officer to check that we handle personal information in ways that meet data protection law. If you are unhappy with the way in which we use your personal information you can contact our Data Protection Officer at this email address:

[foidp@nes.scot.nhs.uk](mailto:foidp@nes.scot.nhs.uk)

Or through our Edinburgh postal address:

Data Protection Officer, Westport 102, West Port, Edinburgh, EH3 9DN

If you believe your complaint has not been answered, you have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO).

Details about this are on their website at <https://ico.org.uk/your-data-matters/how-to-make-a-data-protection-complaint/>.