

NHS Forth Valley Data Protection Privacy Notice

Other rights

There are other rights under current Data Protection Law however these rights only apply in certain circumstances.

The right to erasure

The right to erasure is also known as “the right to be forgotten” and in general refers to an individual’s right to request the deletion or removal of personal information where there is no compelling reason for NHS Forth Valley to continue using it.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten.

Individuals have the right to have their personal information deleted or removed in the following circumstances:

- When it is no longer necessary for the purpose for which it was collected.
- When NHS Forth Valley no longer have a legal basis for using your personal information, for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we would need to stop using your information and erase it unless we had an overriding reason to continue to use it.
- When you object to NHS Forth Valley using your personal information and there is no overriding legitimate interest for us to continue using it.
- If we have used your personal information unlawfully.
- If there is a legal obligation to erase your personal information for example by court order.

NHS Forth Valley can refuse to deal with your request for erasure when we use your personal information for the following reasons:

- to comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- for public health purposes in the public interest (Article 17 (3)(c) ‘ for reason of public health in accordance with points (h) and (i) of Article 9(2) and 9(3) of the General Data Protection Regulation exempts erasure).
- archiving purposes in the public interest, scientific research historical research or statistical purpose.
- the exercise or defence of legal claims.

When using personal information our legal basis is usually 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 under the NHS Scotland Act as noted previously. This means that in most

circumstances we can refuse requests for erasure. Erasure of personal information from a health record would require a court order. However we will advise you of this as soon as possible following receipt of your request.

The right to restrict processing

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. When processing is restricted, NHS Forth Valley are permitted to store your personal information, but not further use it until an agreement is reached with you about further processing. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Examples of ways you can restrict our processing would be:

- If you challenge the accuracy of your personal information, stop using it until we check its accuracy.
- If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.

If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

Whenever we decide to lift a restriction on processing we will tell you.

The right to data portability

The right to data portability allows individuals to obtain and re-use their personal information for their own purposes across different services. It allows them to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way. For example: it enables consumers to take advantage of applications and services which can use their information to find them a better deal.

The right to data portability only applies when the individual has submitted their personal information directly, through electronic means to NHS Forth Valley. This means that in most circumstances the right to data portability does not apply within NHS Forth Valley.

Rights related to automated decision making and profiling

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement, including profiling.

NHS Forth Valley does not undertake any decision-making about you using wholly automated means.