



Health Education and Improvement Wales (HEIW) Consultation and Surveys Privacy Notice

1. Introduction

NHS Wales is made up of several health organisations that include Health Education and Improvement Wales (HEIW) who have a leading role in the education, training, development, and shaping of the healthcare workforce in Wales, in order to ensure high-quality care for the people of Wales.

HEIW key functions include:

- Working closely with partners and key stakeholders, and planning ahead to ensure the health and care workforce meets the needs of the NHS and people of Wales, now and in the future;
- Being a reputable source of information and intelligence on the Welsh health and care workforce;
- Commissioning, designing, and delivering high quality, value for money education and training;
- Using education, training, and development to encourage and facilitate career progression;
- Supporting education, training, and service regulation by playing a key role in representing Wales, and working closely with regulators;
- Developing the healthcare leaders of today and the future;
- Providing opportunities for the health and care workforce to develop new skills;
- Promoting health and care careers in Wales, and Wales as a place to live;
- Supporting the professional workforce and organisation development profession with Wales; and
- Continuously improving what we do and how we do it.

This notice has been issued by the HEIW Executive Team to explain the reason for the use of information for consultations and surveys.

The work undertaken by various departments within HEIW from time to time may require public, stakeholder, service user and other party's feedback and opinions in relation to specific topics and service provisions, both intended or established and those undergoing change.

If you have any questions regarding how information is used you must contact the person shown at the bottom of this notice.

It is important to note, however, that many consultations that are implemented or surveys requesting feedback do not require the inclusion of personal data or identifiers. In the instances where they are required, this will be communicated to you within any intended launch of a consultation or release of a survey and by use of this Privacy Notice.

2. Your rights

This Privacy Notice covers the rights of data use under legislation called the General Data Protection Regulation (GDPR). It emphasises HEIW's need to make sure that we explain how we use information for consultations and surveys.

The information we give you about our use of information will be:

- Brief, easy to read and easily accessible;
- Written in clear, plain language; and
- Free of charge.

3. What laws do we use?

The law determines how we can use information. In those areas where we use identifiable information, the laws we follow that allow this to happen are listed below:

- General Data Protection Regulation
- UK Data Protection Bill
- Human Rights Act
- Freedom of Information Act
- Common Law Duty of Confidentiality
- Computer Misuse Act
- Audit Commission Act
- Regulation of Investigatory Powers Act

Health Education and Improvement Wales (HEIW) is an organisation that will, on occasion undertake work that involves consultations and surveys for feedback to specific work areas. For these work areas HEIW shall be the holder and user of this information.

4. How do we use data for consultations and surveys?

HEIW requires use of information to run consultations and surveys and to engage with those who we are in contact with.

Consultations and surveys may include running:

- Initial stakeholder interviews;
- Follow up interviews;
- Webinars;
- Internal peer group meetings;
- Stakeholder workshops;
- Online questionnaire responses; and
- Statistical reporting.

The results of many consultations and surveys involve collation of data and outcomes that are seen to be, on the majority of times, unidentifiable. This information is therefore, not attributed to a specific individual or individuals. However, data required within such processes is reviewed to ensure that the control required to be placed around it is suitable and how it will be used once completed (e.g. Board papers, reports, statistical analysis).

We will also use any personal information given by you voluntarily to enable us to respond to queries, or comments that you have and to make sure that these are appropriately dealt with.

If any of the voluntary information you provide includes any special categories of personal data (such as information about your health, race or religion), you must make sure before you provide this that you are happy for us to use that information for the purposes set out in this Privacy Policy.

5. What is the purpose of processing information?

The purpose of running consultations and surveys include: how best to understand what our partners, stakeholders and service users need from HEIW; how HEIW can best support them; and give those applicable the opportunity to have input into consultations and surveys, which is a key priority for HEIW.

This privacy notice covers specific uses of information for consultation and survey work. For example, consultations and surveys that have previously included:

- Workforce planning and modernisation
- Health and Social Care Workforce Strategy

- Health Needs Assessment
- CPD Programmes
- Specific training (e.g. Core Psychiatry Training)
- Advanced Practice
- Postgraduate and Post registration

Legitimate interest

HEIW and all of its services have a “legitimate interest” in continuing to process personal data where:

i) there is a real business interest being pursued in continuing to process specific personal data;

ii) the processing is absolutely necessary in order for the business to pursue that interest (i.e. the interest cannot be pursued in another way which is proportionate); and

iii) the processing is balanced against the impact such processing will have on the fundamental rights and freedoms of data subjects.

It is important that you understand who is responsible for keeping your data safe. HEIW collects data and where applicable, your personal data with your consent for purposes set out in this Privacy Notice.

Any data provided by yourself that is not required will be removed and not used by the specific consultation or survey. Reporting of outcomes is normally unidentifiable and therefore, contains no personal data or individual identifiers.

6. Sharing your information

Where applicable, data may be shared with only those who are involved with running consultations and surveys within HEIW. This may in certain circumstances, include external companies who may carry out work around consultation preparation or assistance with the collation of survey results.

However, this will be communicated to you where it is possible to do so and where it includes the requirement to use personal data, this is Privacy Impact Assessed before use.

It is important to note that anyone receiving information about you are under a legal duty to keep it confidential. We only request, use and share the minimum information necessary for the purposes it was required.

We will never sell your information and we will not share it without the appropriate legal authority.

7. Security of your Information

HEIW takes responsibility to look after all information very seriously. This is regardless of whether it is electronic or in paper form and whether it is identifiable or not.

HEIW also employs someone who is responsible for managing information and its confidentiality to ensure:

- your information is protected; and
- inform you how it will be used.

All staff are required to undertake training on a regular basis. Comprehensive training is required to help protect the information that has been given, used, processed by HEIW.

The training makes sure that all staff working in HEIW (including the wider NHS), are aware of their responsibilities about the handling of your information regardless of the department that they work in.

8. What are you entitled to?

Where information collected on you is identifiable and relevant, HEIW will make sure that you are able to have access to this. This is so that you know what we hold.

You have the right:

- to know about details of how your information is used; and
- have copies of your information.

If you wish to know more, please contact the person listed below for further information about your rights of access.

HEIW tries to answer all requests for access to information as quickly as possible. The organisation is obliged to provide a response to your request within a month (30 calendar days) of receiving it, but this can be extending if the request is complex and extensive.

HEIW will look at your request to make sure that the information requested is personal information. Most of the time, it will be clear that the information is personal but HEIW will contact you if it is not clear within your request.

Do I have to pay a fee?

The information will be provided free.

However, we could ask for a small fee. This is where the request is large or repeated. This will be based on the cost of providing it.

If you wish to find out more about fees for information, then please contact the person listed at the bottom of this notice.

How will information be provided?

If your information is identifiable, it will be provided in a format that can be used on another system easily if it is electronic (i.e. Microsoft Word or Excel). Otherwise, it will be supplied on paper.

9. Permission (consent)

Where personal information may be collected and for the use of this to be lawful, HEIW may ask for permission from you. This is not necessary if the use is for a lawful basis under current regulation but any proposals for developing a consultation or survey will be assessed for suitability in the initial project stages.

HEIW will ask contributors and participants for consent for where personal information is part of the consultation or survey. HEIW will ensure that any consent provided must be freely given, specific, informed and unambiguous. Each individual must provide "clear affirmative action" that they consent to the data being used for the specific consultation or survey and be notified of its use.

At the time of obtaining consent, HEIW will explain to individuals that they are able to withdraw consent at any time but also that this would not render processing on the basis of consent prior to withdrawal to be unlawful and is determined on whether the data is also identifiable at the time of the request.

Individuals must also be able to easily and freely withdraw consent at any time and use their right to be forgotten. If consent is withdrawn, HEIW will be able to provide a legitimate interest statement for its own requirements for NHS Wales led projects. However, if the data is unidentifiable and the data subject cannot be distinguished from the data collected, the right to be forgotten will not apply.

However, HEIW will detail whether the consultation or survey responses involve the use of identifiers in the briefing note of each release.

10. What about stopping use?

Stopping use would ordinarily apply to personal information and not unidentifiable data held by HEIW. It is not expected to be a concern within the process involving consultations or surveys. However, this will be reviewed on a case-by-case basis dependant on the type of consultation or survey.

HEIW will not be responsible for content that has already been freely shared in the public domain, for example on social media networks and other platforms outside HEIW's control. If a Data Subject requires this information to be removed (and is easily identifiable to them), then they will need to apply to the organisation or company hosting the information and request its removal.

11. Automated decision taking

HEIW also provides safeguards against risks that involve processes that include automated decision-making.

This applies when:

- it is an automatic process; and
- there is a legal effect on a decision made with the information.

The use of surveys may take a small number of automated decisions with respondent information but there is mostly human involvement in this. For example, human involvement in the production of statistical data for reporting purposes or online questionnaire results will require a degree of automation to effectively specify, collate and download specific datasets to create reports and outcomes.

However, HEIW will take steps to identify how many automated decisions it makes and whether these are acceptable with each process.

HEIW will ensure that any automated profiling is fair and lawful. HEIW will use correct procedures, to include reducing errors and where data is not accurate.

12. What about rights to correct or delete inaccurate information?

If any personal data has been provided by yourself and is used for consultation or survey purposes you are entitled to request that HEIW correct any mistakes in this information, regardless of the context of the use.

HEIW must ensure that proven inaccurate or incomplete information is either erased or corrected.

However, in the production of consultation and/or survey results, it is highly unlikely that individual data sets will be identifiable and reliant on whether HEIW retains any information in an identifiable format but this can be discussed.

Keeping your information

We will only store information for as long as necessary.

Public consultations will be retained for 5 years from the date of the last action.

Survey data will be retained for 3 years.

Records are stored in line with Records Management Code of Practice for Health & Social Care's retention and disposal schedule. This determines the minimum length of time records should be kept.

HEIW will retain data in order to comply with legal requirements.

We may need to use your information within the specified time period after the finalising of a consultation or survey for limited purposes, for example if we need your personal data in order to respond to any complaints or requests that you make.

However, complaints processing is dependent on whether HEIW receive or retain identifiable data elements in order to achieve their objectives in consultations or surveys.

Making a complaint

If you wish to make a complaint about any issues you have experienced regarding your information, then please contact:

Dafydd Bebb
Ysgrifennydd y Bwrdd/Board Secretary
Addysg a Gwella Iechyd Cymru/Health Education and Improvement Wales
Ffôn/Tel: 079 7130 0537
Ebost/email: dafydd.bebb@wales.nhs.uk

If you are still unsatisfied following your complaint and this remains unresolved, you have the right to make a complaint to the:

Information Commissioner's Office,
2nd Floor,
Churchill House,
17 Churchill Way,
Cardiff, CF10 2HH

Email: wales@ico.gsi.gov.uk
Website: www.ico.org.uk