

GDPR - FAQs

NHSmail Live Service England

November 2018

Version 3

Contents

How do I make a Subject Access Request?	3
What are my rights under GDPR with respect to the NHSmail Live Service?	3
How does NHSmail protect my personal data?	3
How can I have my personal data removed from NHSmail?	3
How can I get information NHSmail hold about me corrected?	3
Who is the Data Protection Officer (DPO)?	3
What information does NHSmail collect about me?	3
How does NHSmail use my personal data?	4
Who does NHSmail share my personal data with?	4
How long does NHSmail hold my personal data?	4
Where is my personal data held by NHSmail e.g. what locations?	4
What is the legal basis for collecting my personal data?	4
How do I find out what certifications the NHSmail supplier holds?	4
Where can I find more information about GDPR?	4
Can I opt-out?	5
Where can I find the Privacy Information (GDPR)?	5
How do I report a personal data or privacy breach?	5
How do I make a complaint about how my data is handled?	5

How do I make a Subject Access Request?

The process is still being finalised and will be published in the 'Access' section of the Transparency / Fair Processing Information document, as soon as it is available.

What are my rights under GDPR with respect to the NHSmail Live Service?

- I. **Right to be informed.**
- II. **Request a copy of your personal data (right of access).**
- III. **Correct your personal data errors or omissions (right to rectification).**
- IV. **Request NHS Digital to restrict its use of your personal data.**
- V. **To be told whether there is a statutory or contractual need for your data and the possible consequences of not providing it**

How does NHSmail protect my personal data?

The NHSmail Live Service is committed to protecting your personal information. The Transparency / Fair Processing Information provides further details.

How can I have my personal data removed from NHSmail?

NHS Digital needs to process your personal data in order to operate the NHSmail service, and is under a [legal obligation](#) to do so. Should we not be able to use your personal data, then you will be unable to be registered to use the NHSmail service.

How can I get information NHSmail hold about me corrected?

If the NHSmail Live Service has recorded your personal details within the service, including the NHS Directory, incorrectly or it is incomplete, you can make a request to your NHSmail Local Administrator who can make the necessary amendments. [Guidance](#) on finding your Local Administrator is available.

Who is the Data Protection Officer (DPO)?

All health and care organisations will have a Data Protection Officer (DPO). Individuals should consult local Transparency / Fair Processing Information to get the contact details for their organisation's DPO in relation to queries on data processed on, or by, a local health and care organisation.

The NHSmail Live Service Data Protection Officer (DPO) is responsible for assisting NHS Digital to monitor its compliance with Data Protection legislation and its own policies in relation to the protection of personal data. The DPO can be contacted via nhsdigital.dpo@nhs.net.

What information does NHSmail collect about me?

The Transparency / Fair Processing Information document provides details of what information is collected about you.

How does NHSmail use my personal data?

Personal data processing falls into two main categories.

Who does NHSmail share my personal data with?

Your personal **NHS Directory data**.

Your personal **NHS authentication data**.

Your personal **email data**.

How long does NHSmail hold my personal data?

Personal NHS Directory data.

Personal authentication data.

Personal email data.

Where is my personal data held by NHSmail e.g. what locations?

Personal data controlled by the NHSmail Live Service.

Personal data exchanged via the NHSmail Live Service.

What is the legal basis for collecting my personal data?

NHS Digital has a legal obligation (a Direction issued by the Secretary of State for Health) that requires us to establish and operate informatics systems and to exercise systems delivery functions, including NHSmail, as the national secure email service approved for sharing sensitive information. The Direction is available on the [NHS Digital website](#).

How do I find out what certifications the NHSmail supplier holds?

Guidance on the ISO Standards the NHSmail Live Service is compliant with is available via the NHSmail Portal help pages within the [Policy](#) section.

Where can I find more information about GDPR?

The Information Commissioner's Office (ICO) is the regulator for Data Protection and upholds information rights. More information is available on the [ICO website](#).

Can I opt-out?

The NHSmail Live Service only processes personal data in relation to its services. Opting out is not applicable as NHS opt-out refers to patients only and the processing carried out by NHSmail does not relate to the use of patient data for secondary purposes.

Where can I find the Privacy Information (GDPR)?

Under the new regulations this information is contained within a document known as the Transparency / Fair Processing Information. This is published within the Portal help pages under the [Policy and Guidance](#) section on GDPR.

How do I report a personal data or privacy breach?

This will need to be reported according to your local organisation Information Governance policies and processes. In the first instance, you should contact your Caldicott Guardian.

How do I make a complaint about how my data is handled?

If you have a complaint about the way your personal data has been handled; believe it is inaccurate, held for too long or it is not secure you can contact the relevant Data Protection Officer (DPO), as outlined in the [Transparency / Fair Processing Information](#) document.