



**BEAUMONT
HOSPITAL**



Privacy Policy for Patients and Service Users

Data Protection Office		
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1 Purpose:

Beaumont Hospital is a large academic teaching hospital who creates, collects and stores personal information on the people who use our services every day. The way in which we manage this information is governed by the General Data Protection Regulation and The Data Protection Acts 1988 to 2018.

The purpose of this document is to communicate to you how Beaumont Hospital handles your personal information.

If you require basic information about our data handling practices you can pick up a 'Patient Data Privacy Information Leaflet' or view the 'Privacy Posters' on display around the hospital.

If, however, you would like more detail about our data handling practices, then please read this document.

2 Scope:

This document is intended for anyone who uses our services.

3 How to Contact Us:

3.1 To Access your Information:	3.2 To Make a Complaint:	3.3 To Communicate with the Data Protection Officer:
Routine Access Office Beaumont Hospital Beaumont Road Dublin 9 +353 1 809 2873 routineaccess@beaumont.ie	Patient Advisory Liaison Service Beaumont Hospital Beaumont Road Dublin 9 +353 1 809 3234 / 2427 pals@beaumont.ie	Data Protection Office Beaumont Hospital Beaumont Road Dublin 9 +353 1 809 3392 dpo@beaumont.ie

4 Glossary of terms/Definitions/Abbreviations:

The terms used in the General Data Protection Regulation have specific meaning. The table below will provide information about those terms and phrases.

Term	Meaning
Adequacy	A third country where the commission has decided that there is an adequate level of protection
Binding corporate rules	means personal data protection policies which are adhered to by a controller or processor established on the territory of a Member State for transfers or a set of transfers of personal data to a controller or processor in one or more third countries within a group of undertakings, or group of enterprises engaged in a joint economic activity

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Biometric data	means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data
Encryption	Is the process of encoding information
Controller	means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law
Data concerning health	means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status
Genetic data	means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question
Personal data	means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
Personal data breach	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed
Processing	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction
Processor	means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller
Profiling	means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements
Pseudonymisation	means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person
Restriction of processing	means the marking of stored personal data with the aim of limiting their processing in the future

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Special categories of data	Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a natural persons sex life or sexual orientation
Standard contractual clauses	A specific provision or section within a written contract which defines the duties, rights and privileges of each party under the contract.
Supervisory authority	means an independent public authority which is established by a Member State pursuant to Article 51

5 What information do we collect about you?

Beaumont Hospital collects and processes personal data about you such as:

- Name, address, telephone, email, date of birth and next of kin;
- Any contact we have had with you through appointments and hospital attendances;
- Details and records of treatment and care, notes and reports about your health, including any allergies or health conditions;
- Results of diagnostic tests, e.g. x-rays, scans, blood tests;
- Financial and health insurance information;
- We may also collect other information about you, such as whether you have a disability or require any additional support with appointments (like an interpreter or advocate), your religious or other beliefs, and information about your sexuality;
- CCTV and security information

6 Where does this information come from?

- We get information directly from you in person, over the phone or from a specific form or email you may have completed;
- Information may also be collected from people who may care for you and know you well, such as:
 - Relatives;
 - Carers;
 - Your GP;
 - Community services or other facilities and health care professionals

This is to make sure that we have a full picture regarding your current status and needs.

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7 Legal basis for processing personal data:

Under Data Protection Law, organisations must identify a legal basis for using your personal data. The way in which we use your information relates to the relationship that we have with you. The table below is a simple example of the legal basis we rely on to process your personal data when you use our services.

Purpose of Processing	Legal Basis under Article 6 of the GDPR	Legal Basis under Article 9 of the GDPR
<p>To manage and deliver your care;</p> <p>To improve services and plan for the future;</p> <p>Billing</p>	<p>GDPR, Article 6.1(b): processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;</p> <p>GDPR, Article 6.1(c): processing is necessary for compliance with a legal obligation to which the controller is subject;</p> <p>GDPR, Article 6.1(d): processing is necessary in order to protect the vital interests of the data subject or of another natural person;</p> <p>GDPR, Article 6.1(e): processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;</p> <p>GDPR, Article 6.1(f): processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.</p>	<p>GDPR, Articles 9.2(h): processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services and 9.2(i): processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices.</p> <p>GDPR, Article 9.2(i): processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;</p>

Table 1

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8 How does Beaumont Hospital use this information? [\(expanded from Table 1 on the previous page\)](#)

8.1 To help in decision making about your care and ensure that your treatment is safe and effective

Modern health care practices mean that your treatment will be provided by a multi-disciplinary team of health care professionals working together. This allows care plans to be developed for your recovery and on-going care.

8.2 To work effectively with other organisations who may be involved in your health care

Beaumont Hospital will usually send a discharge summary to your referring medical practitioner or nominated general practitioner following an admission. This is in accordance with international norms and long-standing medical practice and is intended to inform your doctor of information that may be relevant to any on-going care or treatment provided by them. This discharge summary may be sent to your referring medical practitioner or general practitioner electronically. If your nominated general practitioner has changed or your general practitioner's details have changed following a previous admission, you must let us know. If in the future you are being treated by a medical practitioner or health care facility that needs to have access to the health record of your treatment, we will provide a copy of your record to that medical practitioner or health care facility provided this request is processed in the correct manner. These organisations are also bound by confidentiality and the data protection laws.

8.3 Referrals

You may be receiving health or social care from providers outside of Beaumont Hospital. In order to assist in this process, we may make referrals on your behalf requiring the need to share your personal information with those providers. This will be done if there is a genuine need in order to ensure the highest quality of care to you. Anyone who receives this information is also bound by confidentiality and the data protection laws.

8.4 To review care provided (audit) to improve service quality and ensure services meet future needs

Activities such as quality assurance processes and service evaluations to assess standards of care, accreditation, clinical audits, risk and claims management, patient experience and satisfaction surveys.

8.5 To train healthcare professionals

Beaumont Hospital supports the placement of students and trainees who may have access to your medical record. All staff are required to comply with the General Data Protection Regulation and other Beaumont Hospital policies.

8.6 Other common uses

Invoicing, billing and account management. Sending standard reminders e.g. appointments and follow-up care, text message or e-mail.

8.7 For the Purpose of complying with other applicable laws or Mandatory Reporting

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In response to a court order or compulsory reporting to State authorities such as National Cancer Registry, National Virus Reference Laboratory, Medical Officer of Health/ Director of Public Health of certain infectious diseases, National Treatment Purchase Fund (NTPF).

8.8 CCTV

Beaumont Hospital uses closed-circuit television (CCTV) for the purpose of maintaining the safety and security of its staff, patients, visitors and other attendees. (Please see separate Policy on CCTV)

8.9 National Systems

Beaumont Hospital utilises National Systems as provided by the Health Services Executive (HSE) e.g. the National Integrated Medical Imaging System or NIMIS. This system collects patient registration details along with procedure details and results/images. The Health Services Executive (HSE) is responsible for this national system. The HSE Privacy Statement can be found on the HSE's website.

8.10 Contractors under agreement

Beaumont Hospital may provide or allow access to personal information for the provision of professional services to the hospital. These third parties are called Data Processors and the hospital engages in these companies using a Data Controller (Beaumont Hospital) to Data Processor (third party) agreement, where the third party will only act under the direct instruction of the hospital.

8.11 Health Research

Research is the way new information about the treatment and management of illnesses is found and is an important activity of the hospital. The Minister for Health has amended the Health Research Regulations 2018 to allow organisations like Beaumont Hospital to carry out important health research.

All Health Research will be reviewed and approved in advance by a Research Ethics Committee and you will be asked to give consent to participate in the research. Beaumont Hospital promotes a minimum use of personal data in all research projects and all researchers are required to complete a 'data risk impact assessment' in relation to the personal data they wish to collect and use in their study.

Two areas amended are pre-screening and retrospective chart reviews (see sections 8.11.1 and 8.11.2 below).

8.11.1 Pre-screening for Health Research

Pre-screening patients for a clinical study is common practice in health research. This process involves reviewing the medical records of patients who have received healthcare services in Beaumont Hospital.

Pre-screening of patient records without consent may only be carried out by:

- a health practitioner employed by Beaumont Hospital or a person studying to be a health practitioner under the direction and control of the hospital;
- an employee of the hospital who would ordinarily have access to your personal data in the course of their duties;
- an **"authorised person"**

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An “**authorised person**” may be an employee of:

- An institution of higher education;
- A body or person whose principal activity is the provision, management or development of a health practitioner; or
- A registered charitable organisation, one of whose objects is to support research and education in the health services,

Access to your data will be for the sole purpose of pre-screening as set out in an agreement between Beaumont Hospital and the employer of the pre-screener.

If you are identified as a potential candidate, you may be contacted by the research team, and you will be asked to consent to take part in the research.

8.11.2 Retrospective Chart Review for Health Research

Chart review studies use data which was previously collected by the hospital for the provision of your health care. These studies facilitate the rapid collection of clinical, safety, and healthcare resource utilisation data. The default option for retrospective chart review studies is to obtain your consent.

Consent may not be obtained if the following conditions are met:

- The study is approved by a Research Ethics committee
- The ‘**data risk impact assessment**’ carried out by the researcher demonstrates that your privacy will not be at risk

Chart review studies may only be carried out by:

- a health practitioner employed by Beaumont Hospital or a person studying to be a health practitioner under the direction and control of the hospital;
- an employee of the hospital who would ordinarily have access to your personal data in the course of their duties;

Any data collected in this manner will not be disclosed to another person and any findings, if published, will not identify individuals.

9 Your rights in relation to your personal data

You have a number of rights when it comes to your personal data – (these are set out in sections 9.1 – 9.9). On receipt of a valid request to invoke one of your rights, we will do our best to adhere to your request as promptly and as reasonable possible, however, restrictions may apply in certain situations.

We have one month to reply to your request. That period may be extended by a further two months where necessary, taking into account the complexity and number of the requests.

9.1 The right to be informed

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You have the right to be informed about the collection and use of your personal data. This policy, along with privacy posters and information leaflets provide this information in a transparent, intelligible, easily accessible way.

9.2 The right to access your information

You have the right to request a copy of the information that we hold about you. These requests are called 'Subject Access Requests' (SAR's). We will provide you with a copy of your information within one month of receiving the request. There is no fee for making a Subject Access Request. However, for further copies, we may charge a reasonable fee based on administrative costs.

9.3 The right to rectification

You have the right to obtain from us without undue delay, the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

9.4 Right to erasure ('right to be forgotten')

You have the right to obtain from us the erasure of personal data concerning you without undue delay and we shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- where the use of the data is only lawful on the basis of consent, you withdraw consent to the processing and no other lawful basis exists;
- the personal data is being unlawfully processed;
- the personal data is to be erased for compliance with a legal obligation to which the hospital is subject;

The request for rectification/erasure of personal data under GDPR form can be found on the Beaumont Hospital website.

9.5 Right to restriction of processing

You have the right to restrict the extent for which your personal data is being used by Beaumont Hospital in circumstances where:

- the accuracy of the personal data is contested by you, for a period enabling us to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- we no longer need the personal data for the purposes of the processing, but the data is required by you for the establishment, exercise or defense of legal claims;
- you have objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of Beaumont Hospital override your rights.

9.6 Right to object

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You have the right to object to processing of personal data where the data is non-sensitive, and being used for reasons of public interest or where the data is being used for direct marketing purposes.

9.7 Right to data portability

In some circumstances, you may be entitled to obtain your personal data from a data controller in a format that makes it easier to reuse your information in another context, and to transmit this data to another data controller of your choosing without hindrance. This is referred to as the right to data portability.

This right only applies where processing of personal data (supplied by the data subject) is carried out by automated means, and where you have either consented to processing, or where processing is conducted on the basis of a contract between you and the data controller.

This right only applies to the extent that it does not affect the rights and freedoms of others.

9.8 Rights in relation to automated decision making, including profiling

You have the right to not be subject to a decision based solely on automated processing. Processing is “automated” where it is carried out without human intervention and where it produces legal effects or significantly affects you.

Automated processing includes profiling.

9.9 You also have the right to lodge a complaint to the Supervisory Authority

If you are unhappy about the way Beaumont Hospital collects or uses your information you can make a complaint to the Data Protection Commission by emailing info@dataprotection.ie

10 Data Retention

We will retain your information for as long as necessary to provide you with services, and to comply with our legal and regulatory obligations. Please refer to the Beaumont Hospital Retention Policy for further information and clarification.

11 Data Security

GDPR requires organisations to take necessary technical and organisational measures to protect personal data. This is done with through the use of firewalls, encryption, access controls, physical controls and audit trails. Policies, procedures and training are provided to staff to incorporate good data handling practices throughout the hospital.

12 International Transfers

Beaumont Hospital may enter into arrangements with organisations whose business resides outside of the European Union or Economic European Area. These countries are known as ‘third countries’ as they may not may not have adopted the General Data Protection Regulation. For this reason personal data can only be transferred to ‘third countries’ under the following circumstances:

- Adequacy decision – a country outside of the EEA where the commission has decided that there

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is an adequate level of protection

- Subject to appropriate safeguards which may include standard contractual clauses or binding corporate rules.

Information on these transfers may be found on the Data Protection Commission website

<https://www.dataprotection.ie>

13 Communication and dissemination

This Policy will be made available to the general public via the Beaumont Hospital website along with Privacy Posters and Privacy Information Booklets.

14 Review

This document will be reviewed every three years or sooner as required.

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