

# Meeting the Requirements

## Right to be Informed



## Introduction

Individuals have the right to be informed about the collection and use of their personal information. This is a key transparency requirement under the UK GDPR. Organisations must provide individuals with information including the purpose for processing their personal information, the retention periods for that personal information, and who it will be shared with. This is called 'privacy information'.

Being transparent and providing accessible information to individuals about how you will use their personal data is a key element of data protection legislation and the most common way to provide this information is in a privacy notice (privacy information). The UK General Data Protection Regulation (EU) 2016/679 (UK GDPR) and Data Protection Act 2018 (DPA) provide individuals the right to be informed about how the personal information relating to them is used and shared. The 'right to be informed' covers some of the key transparency requirements of the UK GDPR. The requirement creates a number of overarching legal obligations for how you collect and use people's information. It is about providing individuals with clear and concise information about what you do with their personal information.

This right requires all data controllers who process personal data to ensure privacy information is fully informative, understandable and accessible, documenting the lawful basis for processing the data, and the data retention periods. Individuals have a right to complain to the Information Commissioner's Office (ICO) if they believe a problem exists with the way you are handling their data. All privacy information should be provided in a concise, clear language, that is easy to understand.

Articles 13 and 14 of the UK GDPR specify what individuals have the 'right to be informed' about when you collect and use their personal information. This is known as 'Privacy information'. The UK GDPR says that you must "provide" individuals with the necessary information in an "easily accessible form". There are some types of information that must always be provided, whilst the provision of other types of information depends on the particular circumstances and how and why you use people's personal data. Providing this information is a key element of the principle of transparency.

When there are more complex uses of personal data, it can make it more difficult to convey all the required information, especially if you try to contain it in a single notice. The UK GDPR recognises this and allows you to use several different techniques to deliver the information. For example, formats that you may consider using include:

- Orally – face to face or when you speak to someone on the telephone, (it is a good idea to document the conversation)
- In writing – printed media, printed adverts, included on forms, etc.
- Through signage – posters in public areas etc.
- Electronically – websites, social media etc



With digital communication, increasingly becoming ever more popular privacy notices should be seen as flexible, deliverable via a number of mechanisms in a layered approach, and therefore not reliant on one document. Technology can also be seen as an easy and simple way to provide privacy notices, but consideration needs to be given to the accessibility of these, individuals will often express general concerns about how their information is used as a result of being uninformed due to non-accessibility.

Simply putting your privacy information on your website, in case people happen to look there, is not enough. You must proactively make individuals aware of this information and you need to give them an easy way to access it.

The content of a privacy notice can prove challenging, but they must meet a minimum standard to comply with data protection law. Consider the means of communication and the language and tone that is most appropriate to the audience. In summary, a privacy notice should provide individuals with enough detail for them to understand what information you collect, what you will do with their information, and where to go or who to contact for further information. See '[Table One](#)' for what the ICO expects to see in your privacy information or notice and what they consider an effective notice to be.

A range of generic 'Your Privacy - Your Rights' material has been developed for all NHS organisations in Wales to use to ensure their service users are aware how their information is processed and what their rights are with regards to their information.

## How do we reach Attainment Level 1?

To support individuals' awareness, the organisation should provide privacy information for individuals which is clear and informative and reflects all statutory requirements, including details of the organisations Data Protection Officer.

The material should be placed in a prominent part of the organisation where individuals are likely to see and read them, for example at reception, in waiting areas or in consultancy rooms. The information may be in the form of leaflets, posters or on appointment cards, etc. For GMPs, a good place to start with newly registered patients is to include privacy information in the 'Practice Registration leaflet/pack'. The information you provide to people must be concise, transparent, intelligible, easily accessible, and it must use clear and plain language.

The organisation should use a layered approach, with short notices containing key privacy information and additional layers, such as links that expand or direct individuals to more detailed information, to ensure all individuals understand how their data is processed and how to exercise their rights.

Generic NHS Wales information leaflets and posters have been developed that inform patients of how their information is used, who may have access to that information, and their rights to see and obtain copies of their records. The set of 'Your Privacy - Your Rights' privacy notices are available for use by all NHS Wales Organisations in the 'Supporting Resources' section below.



## How do we reach Attainment Level 2?

Communication materials should be supported by procedures to ensure that if more explanations than detailed are necessary, individuals can access the required information or be guided towards a staff member who is able to answer their queries.

To ensure individuals are properly informed, staff must be familiar with the content of local communication materials. Therefore, the organisation should ensure that all staff members receive guidance on:

- any current privacy information;
- the right time for individuals to receive privacy information, for example, when their data is collected when filling in a form, when collecting information online or via CCTV;
- checking that the individual is aware of the choices available regarding the use of their information;
- checking that the individual has access to the communications material, for example, leaflets and posters;
- dealing with concerns or queries, including referral to other staff members;
- respecting the right of individuals to have access to their health records.

If the organisation obtains personal information from a source other than the individual it relates to, you should provide privacy information to individuals, no later than one month of obtaining the data.

Children have the same rights as adults over their personal information which they can exercise as long as they are competent to do so. Where a child is not considered to be competent, an adult with parental responsibility may usually exercise the child's data protection rights on their behalf. The ICO have detailed guidance on ['How does the right to be informed apply to children?'](#)

The organisation should be mindful of the needs of people with special/different needs and the communication materials designed to meet them. It may be that the information is required in several formats, for example:

- different languages;
- in Braille;
- on audio tape;
- in large print.

It may be necessary for the organisation to have access to a translator, for example

- use sign language;
- have difficulty conversing in English and are unable to read in their native language.



The organisation should utilise tools such as DPIAs, WASPI framework and the Information Asset Register to inform and assist in the development of privacy information to meet specific needs of a particular service/project and the intended audience.

## How do we reach Attainment Level 3?

Individuals must be informed of any known circumstances under which their information could be used for purposes unconnected to the original purpose for which they provided the information. For example, where personal information is provided for health, care or advisory services, patients must then be informed if the organisation wishes to use the personal information for a further unrelated purpose, such as research.

Materials should inform individuals of their rights in respect of information about them, including their right to object to the use or sharing of information about them that is held under an obligation of confidentiality.

Policy and law have changed and will continue to change over time. Therefore, it is important that the organisation reviews its privacy information, at least on an annual basis, ensuring it is up to date and reflects current practice. If you plan to use personal data for a new purpose, you must update your privacy information and communicate the changes to individuals before starting any new processing. '[Table Two](#)' sets out the ICO's expectations for reviewing privacy notices.

The organisation should ensure that privacy information has been developed and is available for all processing detailed on the organisation's Information Asset Register (IAR).

## Supporting Resources

**Your Privacy - Your Rights - Poster for Print - ENG**

**Your Privacy - Your Rights - Poster for Print - CYM**

**Your Privacy - Your Rights - Leaflet for Web - ENG**

**Your Privacy - Your Rights - Leaflet for Web - CYM**

**Your Privacy - Your Rights - Leaflet for Print - ENG**

**Your Privacy - Your Rights - Leaflet for Print - CYM**

**ICO: The right to be informed** - *Information from the ICO about the right to be informed and purposes for processing*

**ICO: Children and UK GDPR** - *Practical guidance for organisations who are processing children's personal information*



## Summary Requirement

Attainment Level	Summary Requirement
1	The organisation has developed and made available fair processing notices privacy information to respect individuals rights to comply with the UK General Data Protection Regulation and the Data Protection Act
2	Privacy information accommodates a diversity of individuals and is made available and accessible by varied means e.g. organisation website etc.
3	All privacy information is regularly reviewed to ensure they remain fit for purpose to reflect the current nature of all the processing undertaken by the organisation. Privacy information is approved by the relevant person with responsibility/IG team/department and documented and linked to the Information Asset Register

