



## PICANet Patient Privacy Notice and Fair Processing Statement

Paediatric Intensive Care Audit Network (PICANet) is an international database of paediatric intensive care in the United Kingdom and Republic of Ireland run by the University of Leeds and the University of Leicester.

This statement explains how we use any personal information we collect about you (child / young person) or the child you care for.

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### *What data are being collected?*

PICANet collects data on every child and young person referred or admitted to a Paediatric Intensive Care Unit (PICU) in the UK and the Republic of Ireland. The data are sent to us over a very secure web application by each PICU or specialist transport team on a regular basis. Data are collected for each individual for the whole period of their PICU stay and also about what happened to them if they had a critical care transport (this means that a specialist team of nurses and doctors travelled in an ambulance to pick them up and take them to a PICU).

### *What are the data being used for?*

We collect this data for clinical audit, research, and service evaluation and planning to improve the care given to children and young people admitted to PICU. Each year we produce a report on activity and outcomes for paediatric intensive care in the UK and Ireland. No personal or identifiable information will ever be made public in any report or publication.

The PICANet research database supports high quality research in the areas of paediatric intensive care, specific conditions affecting children and young people accessing paediatric intensive care services, epidemiology of critical illness, and public health. Following a rigorous data request process, and providing the appropriate research ethics approvals and legal bases for data processing and sharing are in place, baseline data can be provided for

research studies and clinical trials to extend the available knowledge with a view to ultimately providing benefits to patients.

### *Our legal basis for processing the data*

PICANet has permission to collect personal data including identifiers and special category data of children and young people admitted to or referred for Paediatric Intensive Care without taking explicit (written) consent from the children or their carers. The personal identifiers include name, address, date of birth, and health record identifier number (e.g. NHS number)\*. Special category data include ethnicity and data concerning health.

\* We do not receive name, address or health record identifier number for data from Northern Ireland or the Republic of Ireland.

Throughout the UK, the disclosure of confidential information is lawful under the Common Law Duty of Confidentiality. This is because the work of ensuring high standards of quality and safety of healthcare is in the public interest. Our lawful basis for processing personal data is Public Task as set out in Article 6 of the General Data Protection Regulation (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.

The Data Protection Act 2018 legal basis is, Schedule 1(1)(3) 'public health' underpinned by Health and Social Care Act 2012 Part 1 section 2.

PICANet has the following support to process confidential patient information without consent for both non-research and research purposes under Regulation 5 of the Health Service (Control of Patient Information) Regulations 2002 ('section 251 support' of the NHS Act 2006) for data collected in England and Wales:

- The clinical audit activity falls within the management of health and social care services in the public interest. Therefore, the Health Research Authority and The Secretary of State for Health and Social Care, on advice from the Confidentiality Advisory Group, an advisory body which provides independent expert advice on the use of confidential patient information without consent in England and Wales, has provided support for PICANet to process confidential patient information without consent for non-research purposes.
- The medical research database is approved by a research ethics committee and contributes to medical research in the public interest. Therefore, the Health Research Authority, on advice from the Confidentiality Advisory Group, has provided support regarding research purposes.

Summaries of the approved non-research and research applications for PICANet are available on the register of approvals on the [HRA website](#). The references are: 21/CAG/0090 (non-research) and 21/CAG/0098 (research).

For the participating organisations in Scotland, local and Caldicott approvals are in place and PICANet await approval from the NHS Scotland Public Benefit and Privacy Panel for Health and Social Care (NHS HSC-PBPP).

A Data Access Agreement for personal identifiable data is in place between PICANet and Belfast Health and Social Care Trust for data from organisations in Northern Ireland.

Participating organisations in the Republic of Ireland send data PICANet without identifiers which does not require legal basis under the Common Law Duty of Confidentiality.

The legal basis set out in GDPR for processing special categories of personal data is:

- 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.

For the research database, the legal basis set out in GDPR is:

- Article 9 (2) (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

### *Where are the data held and for how long?*

All of the data is held at the University of Leeds in a highly secure environment. As we are an audit, we keep this data permanently so we can check on what has happened in the past. We do remove personal identifiers from our data base once an individual is older than 18 years and has not been in PICU for the last five years.

### *Sharing data with other organisations*

PICANet may share data held on its database with researchers, other audits, or other healthcare providers in order to help improve patient care. We will NOT share personal identifiers (such as name, address, date of birth or NHS number) with anyone else unless the appropriate legal, ethical, and security arrangements are in place to keep your personal details safe and secure. Very occasionally, personal data may be processed by an authorised third party such as NHS Digital, but again, only with the necessary regulatory permissions. They have very high levels of security and will keep these data very safe.

We have a rigorous process of assessing the merit of requests for data and information and publish details of these requests each year in our Annual Report. Data collected in English NHS paediatric intensive care units and specialist transport teams are controlled by the Healthcare Quality Improvement Partnership (HQIP) and all requests go through their Data Access Request Group. More details about the HQIP data request process can be found at: <https://www.hqip.org.uk/national-programmes/accessing-ncapop-data/>.

### *How to request that your/your child's personally identifiable information are removed from the PICANet database*

If you do not want information which could identify you or your child included in PICANet, please tell the nurse or doctor caring for your child. They will make sure your child's personally identifiable information are removed before being sent to PICANet.

Any decision will not alter the care your child receives in this or any other hospital.

If you have left hospital and decide that you do not want information which could identify you/your child included in PICANet, please call us directly at PICANet on 0113 3438125 or email [picanet@leeds.ac.uk](mailto:picanet@leeds.ac.uk).

PICANet will remove the identifiable information within 25 working days of your request and let you know once this has been done.

Please note that your anonymised information will remain in the PICANet database for audit (non-research) and approved research purposes.

You do have the right to request access to and to request to rectify information held about you or the child you care for.

### *Does the National Data Opt-Out in England apply to PICANet? Clinical audit data*

The National Data Opt Out is not applied to PICANet clinical audit data received from English paediatric critical care services. PICANet have received permission from the Health Research Authority Confidentiality Advisory Group for England and Wales not to apply the National Data Opt-Out. This application was made as an amendment to our existing approval 21/CAG/0090. Permission was granted because the absence of even one child's data can lead to inaccurate conclusions.

### *Research data*

PICANet applies the National Data Opt-Out to the research database for data received from English hospitals. This means that, where a National Data Opt-Out has been set/ applied, data will not be included in any approved research projects.

Please note that Data collected from Level 2 Paediatric Critical Care units are not included in research and therefore this and the following section do not apply.

### *How to opt out of the PICANet research database*

If you have not set a National Data Opt-Out and you are considering opting out of the PICANet research dataset please see the PICANet clinical audit and research database opt out policy available on our website ([www.picanet.org.uk/](http://www.picanet.org.uk/)) for full details.

You are free to withdraw your/your child's data from the research database at any time. Any decision will not alter the care your child receives in this or any other hospital.

### *Who is responsible for the data?*

NHS England is joint Data Controller with Healthcare Quality Improvement Partnership for data collected in English NHS PICUs and transport teams.

#### **Healthcare Quality Improvement Partnership**

Healthcare Quality Improvement Partnership Ltd.  
27A Harley Place  
London W1G 8LZ  
(Charity Reg No. 1127049)

Data Protection Officer: Sasha Hewitt (E: [data.protection@hqip.org.uk](mailto:data.protection@hqip.org.uk))  
Data controller registration number provided by the Information Commissioner's Office: Z1780946

#### **The NHS Commissioning Board (NHS England)**

NHS England London  
Skipton House  
80 London Road  
London  
SE1 6LH

Data Protection Officer: Carol Mitchell (E: [england.dpo@nhs.net](mailto:england.dpo@nhs.net))  
Data controller registration number provided by the Information Commissioner's Office: Z2950066

The University of Leeds and the University of Leicester are joint data processors for the data collected in English NHS PICUs and transport teams.

The joint Data Controllers and Data Processors for data collected in all private PICUs and PICUs and transport teams in Scotland, Wales, Northern Ireland and the Republic of Ireland are:

**University of Leeds**

Leeds  
LS2 9JT  
Data Protection Officer: Alice Temple  
T: +44(0) 113 34 37641  
E: [a.c.temple@leeds.ac.uk](mailto:a.c.temple@leeds.ac.uk)

Data controller registration number  
provided by the Information  
Commissioner's Office: Z553814X

**University of Leicester**

University Road  
Leicester, LE1 7RH  
Data Protection Officer: Parmjit Gill  
T: +44(0)116 229 7945  
E: [pg170@le.ac.uk](mailto:pg170@le.ac.uk)

Data controller registration number  
provided by the Information  
Commissioner's Office: Z6551415

*What if I have concerns about the way the personal data are processed?*

If you wish to raise a complaint about how we have handled your or your child's personal data, please contact the Data Protection Officers (above) who will investigate the matter. If you are not satisfied with our response or believe we are processing the data in a way that is not lawful you can complain to the Information Commissioner's Office (ICO).

<https://ico.org.uk/>