



UNIVERSITY HEALTH SERVICES PRIVACY NOTICE

1. Introduction

KCA University is registered as a Data Controller with the Office of the Data Protection Commissioner (ODPC) (Identification: 349-5820-E44E), and we are committed to ensuring that the data we process is handled in the best way possible and in accordance with the data protection law.

This Notice describes how we collect, use, and process your data, and how in so doing, we comply with our legal obligations to you.

2. How we use your information

We collect basic personal data about you which does not include any special types of information or location-based information. This does however include name, address, contact details such as email and mobile number etc.

We also collect sensitive personal data in the form of your health status, genetic data, marital status, and sex as part of the services we provide to you and or linked to your healthcare through other health providers or third parties.

Records which we hold about you may include the following information;

- Details about you, such as your address, care giver, legal representative, emergency contact details
- Any contact the surgery has had with you, such as appointments, surgery visits, emergency appointments, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays etc.
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and for clinical audits to monitor the quality of the service provided.

3. Why do we need your information?

As the healthcare professionals who provide you with care, we maintain records about your health and any treatment or care you have received previously. These records help to provide you with the best possible healthcare.

Your health records may be stored electronically, on paper, or a mixture of both formats,

and we use a combination of working practices and technology to ensure that your information is kept confidential and secure.

4. Legal Basis for Processing Your Information

Reasons that may entitle us to use and process your personal information may be as follows:

- **Public Interest:** Where we may need to handle your personal information when it is in the public interest. For example, when there is an outbreak of a specific disease we need to contact you for treatment, or we need to pass your information to relevant organizations to ensure you receive advice and/or treatment.
- **Consent:** When you have given us consent.
- **Vital Interest:** If you are incapable of giving consent, and we must use your information to protect your vital interests (e.g., if you have had an accident and you need emergency treatment).
- **Defending a Claim:** If we need your information to defend a legal claim against us by you, or by another party.
- **Providing You with Medical Care:** Where we need your information to provide you with medical and healthcare services.

5. Organizations who we share your data with and why

We occasionally may need to share your information with other organizations that do not directly treat you, such as the NHIF, Government Auditors, the CUE, or KUCCPS. Normally, we will share the information in an anonymous form so it will not be possible to identify you from this information. This information is used to plan and improve services.

The information collected includes data such as the area patients live, age, gender, ethnicity, language preference, country of birth, religion, long term conditions such as diabetes, blood pressure, cholesterol levels and medication.

6. Your Patient Rights

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

- **Subject Access Requests (SAR):** You have the right to see what information we hold about you and to request a copy of this information. If you would like a copy of the information, we hold about you please contact a member of the health services or contact our Data Protection Officer dpo@kcau.ac.ke
- We will usually provide this information free of charge except in circumstances where we must make an administrative charge for any extra copies if the information requested is excessive, complex, or repetitive. We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.
- **Right to Rectification:** We want to make sure that your personal information is

accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details including your mobile phone number has changed. If considered appropriate, a retrospective entry can be made by a clinician if you have concerns regarding the accuracy of your clinical record.

- **Right to Object:** If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 30 days. Generally, we will only disagree with you if certain limited conditions apply i.e., safeguarding reasons. We cannot share your information with anyone else for a purpose that is not directly related to your health, e.g., medical research, educational purposes, etc. We would ask you for your consent to do this however, you have the right to request that your personal and healthcare information is not shared by the practice in this way. Please note the anonymized Information section in this Privacy Notice.
- **Right to Withdraw Consent:** Where we have obtained your consent to process your personal data for certain activities (for example for a research project), or consent to market to you, you may withdraw your consent at any time.
- **Right to Erasure:** In certain situations, you have the right to request us to erase your personal data. We will respond to your request within 30 days. Nonetheless, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.
- **Right of Data Portability:** If you wish, you have the right to transfer your data from us to another data controller.

7. Exercise of Rights by Others

Until the age of 18, your parent or guardian will be able to access your medical information. This means they can discuss your care with health services staff and may request to see copies of your medical information.

8. How do we Maintain the Confidentiality of your Records?

- We are committed to protecting your privacy and will only use information collected lawfully in accordance with Data Protection Act 2019 and other relevant legislations.
- All our staff receive appropriate and regular training to ensure they are aware of their personal responsibilities and have legal and contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.
- Our staff only have access to personal information where it is appropriate to their role and is strictly on a need-to-know basis.
- We will only ever use or pass on information about you if others involved in your care have a genuine need for it.
- We will not disclose your information to any third party without your permission unless there are exceptional circumstances (such as in life or death situations)

- All employees and sub-contractors engaged by our practice have a confidentiality clause within their contract of employment.
- In certain circumstances you may have the right to withdraw your consent to the processing of data by contacting the Health Care Services Manager in writing.
- In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legal requirement.
- Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified.
- We would however like to use your name, contact details and email address to inform you of services that may benefit you, with your consent only.
- There may be occasions where authorized research facilities would like you to take part in innovations, research, improving services or identifying trends.
- At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt out prior to any data processing taking place. This information is not shared with third parties or used for any marketing and you can unsubscribe at any time via phone, email or by informing the Health Care Services.

9. Third Parties

Sometimes we record information about third parties mentioned by you to us during any consultation. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself. Third parties can include: spouses, partners, and other family members.

10. Who are our Partner Organizations?

We may also have to share your information, subject to strict agreements on how it will be used, with the following organizations:

- Emergency / Evacuation Services such as 911
- Independent Contractors such as dentists, opticians, pharmacists
- Private Health Service Providers
- Ambulance Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

11. Retention Period

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Records Retention Schedule.

In some circumstances we may anonymize your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a student, an employee, worker or contractor of the University we will securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

12. Who can I contact if I have any queries?

If you have any questions about how your personal information is used by the University as a whole, or wish to exercise any of your rights, please consult the University's Data Protection Officer: dpo@kcau.ac.ke

13. Complaints

If you wish to raise a complaint about how we have handled your personal data, you can contact the University Data Protection Officer who will investigate the matter.

Our Data Protection Officer can be contacted at dpo@kcau.ac.ke, by calling +254 710888022, or by writing to Data Protection Office, P.O. Box56808-00200, Nairobi, Thika Road, Ruaraka.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Data Commissioners Office (ODPC) <https://www.odpc.go.ke>

14. Updates to this privacy notice

We may update this privacy notice from time to time in response to changing legal, technical or business developments. When we update our privacy notice, we will take appropriate measures to inform you, consistent with the significance of the changes we make.

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