# Maternity Services Data Set (MSDS) Privacy Notice

## Legal basis for the collection

On 1 February 2023, NHS Digital merged with NHS England. NHS England has assumed responsibility for all activities previously undertaken by NHS Digital. This includes running the vital national IT systems which support health and social care, as well as the collection, analysis, publication, and dissemination of data generated by health and social care services, to improve outcomes.

NHS Digital has been directed by NHS England under section 254 of the Health and Social Care Act 2012; to establish and operate a system for the collection and analysis of the MSDS information for the purpose of supporting the achievement of better outcomes of care for mothers, babies and children.

[Establishment of information systems for NHS Services: maternity services Directions 2018 - NHS England Digital](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/nhs-england-directions/establishment-of-information-systems-for-nhs-services-maternity-services-directions-2018)

## Purpose and lawful basis for processing

We collect information about you (your personal data) for the Maternity Services Data Set (MSDS), to help achieve better outcomes of care for mothers, babies and children.

The data set collects information about the mother’s demographics (e.g. postcode, date of birth, ethnic category), booking, diagnosis and admission details, as well as details about screenings and tests and labour/delivery. The data set also collects details about the baby’s demographics (e.g. date and time of birth, sex) and relevant tests prior to discharge from maternity services.

Our lawful basis for processing this data is Article 6 (1) (c), which relates to processing necessary to comply with a legal obligation to which we are subject. Our lawful basis for processing special category data is GDPR Article 9 (2) (h) and Schedule 1, Part 1 (2) (2) (f) of the Data Protection Act 2018.

Under GDPR, our lawful basis for processing is Article 6 (1) (c), which relates to processing necessary to comply with a legal obligation to which we are subject.

Our lawful basis for processing special category data is:

GDPR Article 9 (2) (h) and Schedule 1, Part 1 (2) (2) (f) of the Data Protection Act 2018.

A Data Provision Notice (DPN) for the MSDS has been published to enforce the data requirements as per NHS Digital statutory powers, under Section 259 (1) of the Act. Please see [Maternity Services Data Set - NHS Digital](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/maternity-services-data-set-msds-data-provision-notice) for further information.

## What we do with your information

The data is securely sent to NHS England which is the central organisation that receives the same data from all NHS-funded maternity services across England. NHS England removes all identifying details and combines the data we send with the data sent by other care providers, forming the MSDS.

The data set is used to produce anonymised reports that only show summary numbers of, for instance, patients referred to different maternity services. It is impossible to identify any individual patient in the reports, but the reports do help us to improve the care we provide to you and other patients. No information that could reveal your identity is used in national reports.

The benefits of the MSDS to you as a patient include:

* making sure maternity services are available to all patients and measuring the respective care delivered
* better care, through monitoring progress to allow future services to enable maternity care provided is mother and child-centric
* informing patients about the care offered at different hospitals
* more personalised and better organised care for patients through understanding what care is needed nationally, for example understanding how the antenatal care provided can affect outcomes for both mother and baby.

## Secondary use of data

The data held in the MSDS may also be linked to data held by NHS England from various other data sets and collections, including (but not limited to) the Community Services Data Set (CSDS) and Mental Health Services Data Set (MHSDS). The MSDS data may also be linked to external data sources such as Office for National Statistics (ONS) data and data from the National Neonatal Data Set. More information about the data sets and collections that NHS Digital hold and that may be used for linkage can be found on the NHS Digital/ NHS England website. Linkage is carried out in order to investigate the relationship between care in maternity services and subsequent activity, such as health visiting and school nursing activity, as well as referrals to neonatal units, mental health services and other services.

More information about the data sets and collections that NHS Digital hold and that may be used for linkage can be found on the NHS Digital website.

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## Fairness and transparency

Ensuring fairness is the responsibility of the care provider from which the data will be collected (NHS Digital has provided some suggested wording later in this document).

Patients must also be informed of their right to set a [national data opt-out preference](https://www.nhs.uk/your-nhs-data-matters/) to prevent their confidential patient information from being used for purposes beyond their own direct care and treatment (e.g. for research and planning purposes). This complies with the Department of Health and Social Care’s Directions, issued to NHS Digital on the upholding of patients’ national data opt out preferences.

## Patient choice

Providers are legally required to submit full returns of MSDS data, (as the [Data Provision Notice (DPN) states](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/maternity-services-data-set-msds-data-provision-notice)) under section 259 (10) of the Health and Social Care Act 2012 sets aside the common law duty of confidence in respect of this data. However, providers may themselves exclude records where they are subject to any other restriction on disclosure e.g. by other laws.

Patients however do have a right to set a national data opt-out preference to prevent their data being used for purposes beyond their direct care and treatment. Where an opt out is received from a patient (or their parent or guardian in the case of a child), NHS Digital will exclude the relevant records from any onward dissemination of the data.

Patients using these services have the right to change their minds about a disclosure decision at any time before the disclosure is made and can do so afterwards to prevent further disclosures.

Further information is available from [Make your choice about sharing data from your health records.](https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/)

Trust Data Protection Officer: Tel: 01227 783142, email: [ekhuft.dataprotectionofficer@nhs.net](mailto:ekhuft.dataprotectionofficer@nhs.net)

IG Manager, Kent & Canterbury Hospital, Ethelbert Road, Canterbury, CT1 3NJ.

You can find out more about how patient information is used on the [health research authority website](https://www.hra.nhs.uk/information-about-patients/%20) (which covers health and care research); and the [understanding patient data website](https://understandingpatientdata.org.uk/what-you-need-know) (which covers how and why patient information is used, the safeguards and how decisions are made).

You can change your mind about your choice at any time.

Alternatively, you can call NHS Digital: 0300 303 5678.

More information about the Maternity Services Dataset (MSDS) can be found on the [NHS Digital](https://digital.nhs.uk/data-and-information/data-collections-anddata-sets/data-sets/maternity-services-data-set) website.

## How long we keep it your information

We retain your personal data in accordance with the [Records Management Code of Practice - NHS Transformation Directorate](https://transform.england.nhs.uk/information-governance/guidance/records-management-code/)

## What are your rights?

You have a right to object to the processing (use) of your personal data in some circumstances by letting us know by contacting the:

Trust Data Protection Officer: Tel: 01227 783142 or email: [ekhuft.dataprotectionofficer@nhs.net](mailto:ekhuft.dataprotectionofficer@nhs.net)

IG Manager, Kent & Canterbury Hospital, Ethelbert Road, Canterbury, CT1 3NJ.

There are legitimate reasons why we may refuse your objection, which depend on why we are processing it. This will not affect your treatment in any way.

You have the right to have inaccurate personal data rectified and to request the restriction or suppression of your personal data in specific circumstances, for example if you feel that the data held is inaccurate. Please contact the Trust Data Protection Officer via the above details reference such requests.

You can also make a subject access request for information that we hold about you by contacting the:

Access to Records Department

The Queen Elizabeth the Queen Mother Hospital

St Peters Road

Margate

Kent

CT9 4AN

Email: [ekh-tr.accesstorecords@nhs.net](mailto:ekh-tr.accesstorecords@nhs.net)

Further information is also available via Access your health records page on the Trust’s website.

## Your right to complain

If you wish to raise a complaint concerning our handling of your personal data, please visit our [Giving feedback page](https://www.ekhuft.nhs.uk/contact-us/giving-feedback/) on our website.

You also have a right to raise a concern with the Information Commissioner's Office at any time. Their contact details are: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.