

Re: Your request made under the Freedom of Information Act 2000

1) In what Fiduciary Capacity do you act in?

Fiduciary capacity means the capacity of a person in holding title to a facility, or otherwise having control of or an interest in the facility, pursuant to the exercise of the responsibilities of the person as a fiduciary.

A fiduciary is a person or organization

- ***who holds a legal or ethical relationship of trust with one or more other parties (person or group of persons)***
- ***that acts on behalf of another person or persons to manage assets. ... The highest legal duty of one party to another, being a fiduciary requires being bound ethically to act in the other's best interests.***

A Doctor is ethically bound to act in the best interests of their patient, but that might not make them a fiduciary for that individual in any legal sense, as that role generally involves some financial responsibility.

This is not a term we typically use in the NHS, so if there is further context to your query, or if it would be helpful to have a discussion, please do get in touch.

2) In what Fiduciary Capacity do you process our data?

Whether or not we are a 'fiduciary', all patient personal data are processed in accordance with our duties as a registered Data Controller (ICO Notification: Z5372151). See 1 above.

3) supply full list of companies or individuals or third parties that you have shared our data with

The trust would not provide copies of personal data to any company, individual, or third party unless they were directly involved in a patients 'direct care' under GDPR Art 9 2(h) and it were in line with our [Privacy Notices](#).