

COLWALL SURGERY

Data Protection Privacy Notice for Patients

April 2020

Introduction:

This privacy notice lets you know what happens to any personal data that you give to us, or any that we may collect from or about you.

This privacy notice applies to personal information processed by or on behalf of the practice.

This Notice explains

- Who we are, how we use your information and our Data Protection Officer
- What kinds of personal information about you do we process?
- What are the legal grounds for our processing of your personal information (including when we share it with others)?
- What should you do if your personal information changes?
- For how long your personal information is retained by us?
- What are your rights under data protection laws?

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 became law on 24th May 2018. The GDPR is a single EU-wide regulation on the protection of confidential and sensitive information, the DPA 2018 deals with elements of UK law that differ from the European Regulation. These came into force in the UK on the 25th May 2018, repealing the previous Data Protection Act (1998).

For the purpose of applicable data protection legislation (including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the "GDPR"), and the Data Protection Act 2018 the practice responsible for your personal data is [Practice Name].

This Notice describes how we collect, use and process your personal data, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights

Why do we need your information?

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Records which the Practice hold about you may include the following information;

- Details about you, such as your address, carer, legal representative, emergency contact details
- Any contact the surgery has had with you, such as appointments, clinic 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
- Contact details (including email address, mobile telephone number and home telephone number)

To ensure you receive the best possible care, your records are used to facilitate the care you receive, including contacting you. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided.

How do we lawfully use your data?

We need to know your personal, sensitive and confidential data in order to provide you with Healthcare services as a General Practice, under the General Data Protection Regulation we will be lawfully using your information in accordance with: -

Article 6, 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;"

Article 9, (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems

This Privacy Notice applies to the personal data of our patients and the data you have given us about your carers/family members.

How we use your information and the law.

Colwall surgery will be what's known as the 'Controller' of the personal data you provide to us.

We collect basic personal data about you which does not include any special types of information or location-based information. The information is used to:

- Provide a basis for all health decisions made by care professionals with and for you
- Make sure that your care is safe and effective
- Work effectively with others providing you with care
- Send text and or email notifications to you with appointments reminders , flu clinic information, health promotion information etc(you can opt out of receiving texts from us at any time by phoning reception on 01886 880207- please note if you opt out you will not receive any texts on any subject including reminder texts

We may also use, or share, your information for the following purposes:

- Looking after the health of the general public
- Making sure that our services can meet patient need in the future
- Auditing- using patient health information to review and improve the quality of healthcare. Patient identifiable information is only used within the practice (patients can request that their information is not included if required)

We will also collect sensitive confidential data known as “special category personal data”, in the form of health information, religious belief (if required in a healthcare setting) ethnicity, and sex during the services we provide to you and or linked to your healthcare through other health providers or third parties.

Who might we share your information with?

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

- **NHS Trusts / Foundation Trusts –**
 - for example during a referral for other services carried out in another healthcare settings, such as x-ray at the hospital
 - via SCR (summary care record) which allows other authorised staff such as in hospital to view your important medical information from your GP records to assist them in caring for you ie when taken to A &E they can view your medication history
- **GPs**
 - Working within the surgery or PCN(primary care network) , possibly as they have specialist knowledge, such as the Diabetic Lead Doctor
- **NHS Commissioning Support Units**
- **Independent Contractors such as dentists, opticians, pharmacists**
- **Private Sector Providers**

- Such as referrals made for Private treatment at patient request
- **Voluntary Sector Providers**
- Such as Age UK or Diabetes UK to get further assistance
- **Ambulance Trusts**
- Such WMAS (West Midlands Ambulance Trust) during a call to your home
- **Clinical Commissioning Groups**
- Not usually patient identifiable information, used for planning and improvement
- **Social Care Services**
This could be hospital or community based specialists who are also supporting you, such as the DNs(district nurses)
- **NHS England (NHSE) and NHS Digital (NHSD)**
This could be in regards to National programmes such as the National Cancer screening programme
- **Multi Agency Safeguarding Hub (MASH)**
Safeguarding issues
- **Local Authorities**
- **Education Services**
- **Fire and Rescue Services**
- **Police & Judicial Services**
For situations such as shotgun license requests or court required information

- **Voluntary Sector Providers**
- **Private Sector Providers**
- **Research**
CPRD collects de- identified patient data from a network of GP practice across the UK. Primary care data is linked to a range of other health related data to provide longitudinal representative UK population dataset. You can opt out of information being used for research purpose at any time
<https://cprd.com/transparency-information>

- **Local Data sharing agreements**
These include, but not limited to
Herefordshire One Record – allows integrated care teams to access, but not alter, GP clinical record information for use in further care for patients on their caseload- ie DNs, hospice staff

Taurus Healthcare- Out of Hours provision- this agreement allows patients from the surgery to access out of normal surgery hours with GP or nurse at one of three hubs across the county. The agreement allows the clinician to access the record and add in relevant treatment information (consent requested at each appointment)

NHS111- allows NHS111 team to book directly into the clinical system(not activated in this area yet- Jan 2020) and allows for patient information to be sent to the practice, no patient information passed back to NHS111 through this system

CHIS – allows Child Health information systems to download identifiable information on a weekly basis (after weekly consent sought from the practice) to maintain the immunisations records of all children under 5 and use the information to facilitate recall schedules

- **Other ‘data processors’ which you will be informed of**

You will be informed who your data will be shared with and in some cases asked for consent for this to happen when this is required. To provide around the clock safe care, unless you have asked us not to, we will make the information available to trusted organisations. Wherever possible their staff will ask for your consent before your information is viewed. Other areas where your data may be used:

Risk Prediction

Risk prediction or stratification data tools are increasingly being used in the NHS to help determine a person’s risk of suffering a condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary, your GP may be able to offer you additional services. Please note that you have the right to opt out of your data being used in this way.

Medicines Management The Practice will conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. Colwall surgery has data sharing agreements in place with Eclipse/Scriptswitch to assist the clinicians in this process

Patient Communication

The Practice will use your name, contact details, including mobile phone/landline number and email address to inform you of NHS services, or to provide information about your health or to help you manage your healthcare or information about the management of the NHS service. There may be occasions where authorised research facilities would like you to take part in research in regards to your particular health issues, to try improve your health, your contact details may be used to invite you to receive further information about such research opportunities where you can take part in research on innovations, further research, improving services or identifying trends.

Safeguarding

The Practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

Our legal basis for processing For the General Data Protection Regulation (GDPR) purposes is: -

Article 6(1)(e) ‘...exercise of official authority...’.

For the processing of special categories data, the basis is: -

Article 9(2)(b) – ‘processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...’

Categories of personal data

The data collected by Practice staff in the event of a safeguarding situation will be as much personal information as is necessary or possible to obtain in order to handle the situation. In addition to some basic demographic and contact details, we will also process details of what the safeguarding concern is. This is likely to be special category information (such as health information).

Sources of the data

The Practice will either receive or collect information when someone contacts the organisation with safeguarding concerns or we believe there may be safeguarding concerns and make enquiries to relevant providers.

Recipients of personal data

The information is used by the Practice when handling a safeguarding incident or concern. We may share information accordingly to ensure duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals (i.e. their GP or mental health team).

Where do we store your electronic information?

All the data we process is processed by our staff in the UK. No third party have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place, such as the data processor above. We have a Data protection regime in place to oversee the effective and secure processing of your personal and or special category data

The practice uses a clinical system provided by a data processor called EMIS. From June 2019 EMIS started storing the practices EMIS Web data in a highly secure, third party cloud hosted environment , namely Amazon Web services(AWS)

The data remains in the UK at all times and is fully encrypted both in transit and at rest (storage) In doing this there will be change to the control of access to your data and the hosted service provider will not have any access to the decryption keys for the data .AWS is on of the largest cloud companies and is already supporting numerous public sector clients (including the NHS) and it offers the highest levels of security and support

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 2018
- The General Data Protection Regulations 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

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 (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the information sharing principle following Dame Fiona Caldicott’s information sharing review (Information to share or not to share) where “The duty to share information can be as important as the duty to protect patient confidentiality.” This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles.

Our practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the General Data Protection Regulations (GDPR) and all UK specific Data Protection Requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor for

Colwall surgery an appropriate contract (art 24-28) will be established for the processing of your information.

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the Data Protection Officer in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative 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. Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose if it is in an identifiable format. In some circumstances you can Opt-out of the surgery sharing any of your information for research purposes.

Consent

We would like to use your name, contact details and email address to inform you of other services that may benefit you, with your consent only.

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 practice DPO.

To provide around the clock safe care, unless you have asked us not to, we will make information available to trusted organisations. Wherever possible, their staff will ask your consent before your information is viewed.

We consider patient consent as being the key factor in dealing with your health information.

National Opt-Out Facility

You can choose whether your confidential patient information is used for research and planning.

Who can use your confidential patient information for research and planning?

It is used by the NHS, local authorities, university and hospital researchers, medical colleges and pharmaceutical companies researching new treatments.

Making your data opt-out choice

You can choose to opt out of sharing your confidential patient information for research and planning. There may still be times when your confidential patient information is used: for example, during an epidemic where there might be a risk to you or to other people's health. You can also still consent to take part in a specific research project.

Will choosing this opt-out affect your care and treatment?

No, your confidential patient information will still be used for your individual care. Choosing to opt out will not affect your care and treatment. You will still be invited for screening services, such as screenings for bowel cancer.

What should you do next?

You do not need to do anything if you are happy about how your confidential patient information is used.

If you do not want your confidential patient information to be used for research and planning, you can choose to opt out securely online or through a telephone service.

You can change your choice at any time. To find out more or to make your choice visit nhs.uk/your-nhs-data-matters or call 0300 303 5678

Shared Care Records

To support your care and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other systems. The general principle is that information is passed to these systems unless you request this does not happen, but that system users should ask for your consent before viewing your record.

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. All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for Colwall surgery an appropriate contract (art 24-28) will be established for the processing of your information.

Sharing your information without consent

We will normally ask you for your consent, but there are times when we may be **required by law to share your information without your consent, for example:**

- where there is a serious risk of harm or abuse to you or other people;
- where a serious crime, such as assault, is being investigated or where it could be prevented;
- notification of new births;
- where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS);
- where a formal court order has been issued;
- where there is a legal requirement, for example if you had committed a Road Traffic Offence.

How long will we store your information?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records management code of practice for health and social care and national archives requirements.

More information on records retention can be found online at (<https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>)

How can you access, amend move the personal data that you have given to us?

Even if we already hold your personal data, you still have various rights in relation to it. To get in touch about these, please contact us. We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

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 (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

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 (for example, where we have processed your data unlawfully), you have the right to request us to "erase" your personal data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply. If we do agree to your request, we will delete your data but will generally assume that you would prefer us to keep a note of your name on our register of individuals who would prefer not to be contacted. That way, we will minimise the chances of you being contacted in the future

where your data are collected in unconnected circumstances. If you would prefer us not to do this, you are free to say so.

Right of data portability: If you wish, you have the right to transfer your data from us to another data controller. We will help with this with a GP to GP data transfer and transfer of your hard copy notes if you change surgeries for example(some restrictions apply to this depending on where you moved to geographically Scotland/Wales) .

Access to your personal information

Data Subject Access Requests (DSAR): You have a right under the Data Protection legislation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the Practice – for information from the hospital or any other healthcare environment you should write direct to them
- There is no charge to have a copy of the information held about you
- We are required to respond to you within one month from receipt of the request
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified, and your records located information we hold about you at any time.

What should you do if your personal information changes?

You should tell us so that we can update our records please contact the Reception team as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number), the practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

Objections / Complaints

Should you have any concerns about how your information is managed at the GP, please contact the GP Practice Manager or the Data Protection Officer. If you are still unhappy following a review by the GP practice, you have a right to lodge a complaint with a supervisory authority: You have a right to complain to the UK supervisory Authority as below.

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

Wycliffe house

Water Lane
Wilmslow

Cheshire
SK9 5AF Tel: 01625 545745

If you are happy for your data to be extracted and used for the purposes described in this privacy notice, then you do not need to do anything. If you have any concerns about how your data is shared, then please contact the Practice Data Protection Officer.

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer as below.

Data Protection Officer:

The Practice Data Protection Officer is Paul Couldrey of PCIG Consulting Limited. Any queries regarding Data Protection issues should be addressed to him at: -

Email: Couldrey@me.com
Postal: PCIG Consulting Limited
7 Westacre Drive
Quarry Bank
Dudley DY5 2EE
West Midlands

Changes:

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice Data Protection Officer.