

## DATA FAIR PROCESSING & PRIVACY NOTICE FOR PATIENTS

*As you may be aware, the law governing data protection changed on 25 May 2018. In a digitally led, modern world the previous legislation surrounding data protection had become outdated and the "General Data Protection Regulation"(GDPR) is being introduced to give you more clarity and better protection in respect of how and why your data is being used.*

### Your Data Protection Rights

A pivotal aspect of GDPR is providing transparency to our patients about how we will use their personal information.

The following notice outlines your rights in respect of the above legislation and how we will use your information for lawful purposes in order to deliver your care, as well as effective management of the wider local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and moving forward.

### Data Controller

As your registered GP practice, we are the a "data controller". This means that we are responsible to you in respect of how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

### What information do we collect and use?

We will collect, store, and use personal data about you. Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care. We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- "Personal data", which includes (but is not limited to) your name, date of birth, full postcode, address, next of kin and NHS number; and

- “*Special category data*”, such as medical history. This includes (but is not limited to) details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously, including (but not limited to) attendances with GP surgeries, hospitals, community care providers, mental health care providers, walk-in centres and/or urgent care centres, and social services. These records may be in a paper format, electronic, or a mixture of both. We use a combination of technologies, policies and general working practices to ensure that we keep your personal information safe and secure.

### **Why do we collect and process this information?**

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Perform tasks in the public’s interest, including providing our primary function as a public healthcare provider;
- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

#### *For the Provision of Care*

We hold your medical record so that we can provide you with safe care and treatment. We will also use your information so that we can check and review the quality of the care we provide. This helps us to improve our services to you.

#### *Registering to receive care through the NHS*

All patients who receive NHS care are registered on a national database. This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive. The database is held by NHS Digital, a national organisation that has a legal obligation to collect and retain NHS data.

#### *For the purpose of Medical Research*

The Practice may share information from medical records to support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best. We will also use your medical records to carry out research within the practice.

It is important that we can utilise your medical records in respect of research because the use of information from GP medical records is very useful in developing new treatments and medicines. Medical researchers also use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

You have the right to object to your identifiable information being used or shared for medical research purposes. Please note: **we only share information when we either hold your explicit consent, where we have applied the appropriate anonymisation to the information, or when the law allows.** Please speak to the practice if you wish to object.

### Clinical Audits to Check and Maintain Standards of Care

The practice contributes to national clinical audits so that healthcare can be checked and reviewed.

Information from medical records can help doctors and other healthcare workers measure and check the quality of care that is provided to you. The results of the checks or audits can show where clinical services are provided well and where they need to improve. The results of the checks or audits can subsequently be used to recommend and implement improvements to patient care.

Data is sent to NHS Digital, a national body with legal responsibilities to collect data. The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for high blood pressure.

### Legal Obligation to Share Data

The law requires the practice to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.

We must also share your information if legally required to do so, such as due to a court order.

### **How is the information collected?**

Your information will be collected either electronically using secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. In addition physical information will be sent to the practice. This information will be retained within your electronic patient record or within your physical medical records.

### **Who will we share your information with?**

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Other GP practices in order to deliver extended primary care services;
- Secondary care provides such as hospitals;
- 111 and the Out of Hours Service;
- Local Social Services and Community Care services;
- Voluntary Support Organisations commissioned to provide services by local Clinical Commissioning Groups;
- Professional organisations in an audit and governance capacity;
- Your GP will send details about your prescription to your chosen pharmacy;

- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record. For more information see: <https://digital.nhs.uk/summary-care-records>.

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition, we received data from NHS Digital (as directed by the Department of Health).

### Sharing Data in respect of Safeguarding

Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm. While these circumstances are rare, we will not need your consent or agreement to do this.

If you want more information on our safeguarding policies, please speak to our reception team.

### **How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice 2021.

### **Consent and Objections**

#### Do I need to give my consent?

Under GDPR, consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However, consent is only one of six potential lawful bases for processing information.

We may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. If we are required to share your information for any other purpose which is not mentioned within this notice then we will contact you to advise you accordingly. In the event we need consent from you, such consent will be documented within your electronic patient record.

*If consent is not the legal basis for processing the data it may be that we are still able to legally process the data without your consent, this would be communicated to you.*

### **Risk Stratification**

Risk Stratification, also known as 'Health Risk Screening', is a process that helps your GP determine whether you are at risk of any unplanned admission or sudden deterioration in health.

By using information such as age, gender, diagnosis, and consideration of existing long term conditions, medication history, patterns of attendance at hospital, admissions and periods of access to community care, your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the practice. This may result in contact being made with you if alterations to the provision of your care are identified.

You have the right to object to your information being used in this way. However, you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

### **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our local electronic system (such as SystmOne, EMIS and Eclipse) enables your record to be shared with organisations involved in your direct care, including (but not limited to) other GP practices, community services such as district nurses, rehabilitation services and out of hospital services, child health services that undertake routine treatment or health screening, urgent care organisations, minor injury units or out of hours services, community hospitals, palliative care hospitals, care homes, Mental Health Trusts, hospitals, social care organisations and pharmacies.

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

### **Integrated Care Record (ICR)**

Health and care organisations across BaNES, Swindon and Wiltshire are working to improve the care our population receives through a wide reaching programme of digital transformation designed to use digital technology to provide better care for local people and use our resources in a more effective and efficient way.

Part of this digital transformation programme is focusing on the development of Integrated Care Records (ICRs).

An ICR enables the different health and care organisations involved in an individual's care to access relevant information about them without the need to access multiple IT systems.

For more information, please see the Bath and North East Somerset, Swindon and Wiltshire CCG website: Your Care Record (<https://bswccg.nhs.uk/your-health/integrated-care-record>).

### **The National Data Opt-out**

NHS Digital has developed a system to support the national data opt-out which will give patients more control over how their identifiable health and care information is used.

The system offers patients and the public the opportunity to make an informed choice about whether they wish their identifiable data to be used just for their individual care and treatment or also used for research and planning purposes.

Patients can view or change their national data opt-out choice at any time by using the online service on the NHS website: Your NHS data matters ([www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters)).

They can also use the postal service or phone the helpline:

NHS Digital Contact Centre

Tel: 0300 303 5678

For more information please see the NHS Digital website: National data opt-out programme (<https://digital.nhs.uk/national-data-opt-out>).

### **Invoice Validation**

If you have received treatment within the NHS, the local Commissioning Group may require access to your personal information to determine which Clinical Commissioning Group (CCG) is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CCG to enable them to process the bill. These details are held in a secure environment and kept confidential.

### **Patient rights**

If the Practice holds information about a patient, they have the right to:

- Restrict or object to the use of their data in certain circumstances
- Request a copy of their medical records held in paper and/or electronic format
- Ensure that accurate information is held by the Practice
- Be advised of how long their information will be stored before destruction
- Seek advice from or make a complaint to the Information Commissioner's Office (ICO) who is the UK data protection regulator

### **Your Right of Access to Your Records**

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the "right of subject access". If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to:

Abbey Meads Medical Group  
Abbey Meads Village Centre  
Elstree Way  
Swindon  
SN25 45YZ

## Complaints

In the event that you feel your GP Practice has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** for the attention of the Practice Manager at:

Abbey Meads Medical Group  
Abbey Meads Village Centre  
Elstree Way  
Swindon  
SN25 4SYZ

If you remain dissatisfied with our response you can contact the Information Commissioner's Office (**ICO**) at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF.

In the alternative, you can contact the ICO enquiry line: 01625 545700 or submit online at [www.ico.gov.uk](http://www.ico.gov.uk)

We are required by law to provide you with the following information about how we handle your information.

<b>Data Controller</b> contact details	Abbey Meads Medical Group
<b>Data Protection Officer</b> contact details	Mark Arnold  Great western Hospital Marlborough Road Swindon SN3 6BB <a href="mailto:Gwh.info.gov@nhs.net">Gwh.info.gov@nhs.net</a>
<b>Purpose</b> of the processing	To provide health or social care to patients, including referrals to other healthcare providers, providing the appropriate advice and conducting investigations where appropriate.  To conduct clinical audit and provide governance; that is, to check and review the quality of care being provided.

<p><b>Lawful basis for processing</b></p>	<p>These purposes are supported under the following sections of the GDPR:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and</i></p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative 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 and services...’</i></p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>
<p><b>Recipient or categories of recipients of the processed data</b></p>	<p>As advised above, data will be shared with:</p> <ul style="list-style-type: none"> <li>• healthcare professionals and staff in this surgery;</li> <li>• hospitals;</li> <li>• out of hours services, walk-in centres and urgent care centres;</li> <li>• diagnostic and treatment centres, or other organisations involved in the provision of direct care to individual patients;</li> <li>• other professional organisations involved in the provision of auditing and governance services.</li> </ul>
<p><b>Rights to object</b></p>	<p>In certain circumstances, you will have the right to object to information being shared between those who are providing you with direct care. This may affect the care you receive, so if you have any queries on this point please contact the data protection officer.</p> <p>You are not able to object to your name, address and other demographic information being sent to NHS Digital, as this is necessary if you wish to be registered to receive NHS care.</p> <p>You are not able to object when information is legitimately shared for safeguarding reasons. In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.</p> <p>The information will be shared with the local safeguarding service based at our local authorities.</p>

<p><b>Right to access and correct</b></p>	<p>You have the right to access your medical records and have any errors or mistakes contained within your records corrected.</p> <p>Should you wish to access your information, please speak to a member of staff regarding making a “<i>subject access request</i>”.</p> <p>In the event entries in your medical records are correct or form a medical opinion, we are not aware of any circumstances in which you will have the right to delete or amend such information.</p> <p>If you believe there is no lawful purpose for us to hold certain information, you are welcome to seek legal advice on the above points.</p>
<p><b>Retention period</b></p>	<p>Medical records are retained in line with the law and national guidance.</p> <p>Information on how long records are kept can be found at:  <a href="https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice-2021/">https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice-2021/</a></p> <p>If you have a more specific query, please speak to the practice directly.</p>
<p><b>Right to complain</b></p>	<p>You have the right to complain to the Information Commissioner’s Office (ICO).</p> <p>If you wish to complain to the ICO, you can contact them on the following link: <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>Or, in the alternative, call the ICO helpline on 0303 123 1113</p>
<p><b>Data we get from other organisations</b></p>	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment, the hospital will send us a letter to let us know what has happened so that we can ensure you are provided with the care you need. This also means your GP medical record is kept up-to-date when you receive care from other parts of the health service.</p>

## **Additional Information about Third Parties We Share Data With**

### *NHS Digital*

NHS Digital is a national body which has legal responsibilities to collect information about health and social care services. It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.

This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.

More information about NHS Digital and how it uses information can be found at <https://digital.nhs.uk/home>

NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here:

<https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhsdigital>

### *Care Quality Commission (CQC)*

The CQC regulates health and social care services to ensure that safe care is provided. The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk. For more information about the CQC see: <http://www.cqc.org.uk/>

### *Public Health*

The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population. We will report the relevant information to local health protection team or Public Health England.

For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

### *National Screening Programmes*

The NHS provides national screening programmes so that certain diseases can be detected at an early stage. These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.

The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.

More information can be found at: <https://www.gov.uk/topic/population-screening-programmes>