

# Freshwell Health Centre

## IG002 PRACTICE PRIVACY NOTICE FOR PATIENTS

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<b>Author and Role:</b>	Linda de Silva			
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2	13 June 2019	David Shedden	DS	Reviewed
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### What is a Privacy Notice?

This privacy notice explains why we, as a practice, collect information about our patients and how we use that information.

Providing a 'Privacy Notice' is a way of stating the Practice's commitment to being transparent and is a part of fair processing. It includes information on:

- What information are we collecting?
- Who collects the data?
- How is it collected?
- Why do we collect it?
- How will we use the data?
- Who will we share it with?
- What is the effect on the individuals?
- Your rights as an individual to object or complain?

### Principles

The principles of data protection are broadly the same under the old Data Protection Act 1998 (DPA) and the new General Data Processing Regulation (GDPR). The practice must process personal data in a fair and lawful manner. In practice, this means that the Practice must;

- have legitimate reasons for the use or collection of personal data
- not use the data in a way that may cause adverse effects on the individuals (e.g. improper sharing of their information with 3<sup>rd</sup> parties)
- be transparent about how you the data will be used, and give appropriate privacy notices when collecting personal data
- handle personal data only as reasonably expected to do so

- make no unlawful use of the collected data

## **Data Controller and Data Officer**

Under GDPR, the Data Controller is the person who has responsibility for ensuring that the data we collect, process and share is handled lawfully. Our Data Controller is Dr Ruth Stevenson.

Under GDPR, the Data Officer is an expert who can provide guidance and support for organisations. This practice is part of Mid Essex Clinical Commissioning Group and the Data Officer is Jane Marley Head of Information Governance and Data Protection Officer Essex CCGs.

## **Notification**

Organisations that store or process personal data have to register with the Information Commissioner to describe the purposes for which they process personal and sensitive information. This information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk). The practice is registered with the Information Commissioners Office (ICO).

## **What Information do we Collect and How is it Stored?**

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received (e.g. NHS Hospital Trust, GP Surgery, Out of Hours Services, etc). These records help to provide you with the best possible healthcare. NHS health records may be processed electronically, on paper or a mixture of both; a combination of working practices and technology are used to ensure that your information is kept confidential and secure. Records held by this GP practice may include the following information:

- Details about you, such as date of birth, address and next of kin
- Any contact the practice has had with you, including appointments (emergency or scheduled), clinic visits, etc.
- Notes and reports about your health
- Details about treatment and care received
- Results of investigations, such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you
- Administrative information such as complaints, letters explaining that you have moved out of our area etc.
- Recordings of phone calls and Images from our CCTV

## **Why do we Store Personal Data?**

The practice collects and holds data for the purpose of providing effective healthcare services to our patients in a safe environment.

## **Fair Processing**

The practice manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in England such as the Department of Health, The British Medical Association and the General Medical Council. Fair Processing means that the Practice has to be clear and open with people about how their information is used.

Every staff member who works for an NHS organisation has a legal obligation to maintain the **confidentiality** of patient information. All of our staff and contractors 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. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and is strictly on a need-to-know basis. We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others 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), or where the law requires information to be passed on.

Sometimes the Practice **shares information** with external organisations. These include:

- NHS Trusts
- Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers including Community Services Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services and Local Authorities
- Education Services, Police and Fire and Rescue Services
- Other 'data processors' such as IT support, producers of Clinical Software

We can **disclose** personal information if:

- a) It is required by law
- b) You provide consent – either implicitly or for the sake of their own care, or explicitly for other purposes
- c) It is justified to be in the public interest

Some information will be shared centrally and used for **statistical purposes** (eg to review the uptake and effectiveness of a screening program). We take strict and secure measures to ensure that the minimal data is shared for the purpose.

If a patient has had NHS treatment, their personal information may be shared within a secure and confidential environment for **invoicing purposes**. This means sharing identifiable information such as name, address, date of treatment etc. to enable the billing process.

If you provide us with your **mobile phone** number we may use this to send you reminders about any appointments or other health screening information being carried out.

Our **website** uses cookies to optimise your experience.

Phone calls and CCTV images are recorded for **training and security** purposes.

**Risk stratification** is a process used for identifying and managing patients who are at high risk of requiring emergency or urgent care. Information may be used for **clinical audit** purposes to monitor the quality of service provided. These processes enable 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. Typically this is because patients have a long term condition such as COPD, cancer or other medical condition at risk of sudden worsening.

The practice is active for **Clinical Research**. Sometimes your information may be used for assessing your suitability for inviting you to be involved in clinical research studies. The practice will always gain your consent before releasing your personal information.

## **Keeping Data up to Date**

We have a duty to keep personal data as up to date as is possible. It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

## **Proactive Planning and Privacy Impact Assessments**

It is important that security of data and ensuring that we work in a safe and legal way is part of the planning process in any new projects or developments. The practice will carry out an Impact Assessment when changing the way we work to ensure the safety of your personal data.

## **Retaining Data**

Under GDPR data should not be stored for longer than is necessary. The practice has a policy for the retention period of the different types of data it stores.

## **Access to Personal Information**

The GDPR gives patients the right to view any information held about them – the ‘Subject Access Right’ (SAR). This does not have to be in writing but we will need to check your identity to make sure you are the person who is entitled to see the data. There is no longer a charge for SARs. Other than in exceptional circumstances, SARs should be completed within one month.

## **Right to Opt out of Data Sharing, to have Inaccuracies Corrected and to have Data Moved.**

You can object to your personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

Should you have any concerns about how your information is managed, or wish to opt out of any data collection at the practice, please contact the practice, or your healthcare professional to discuss how the disclosure of your personal information can be limited.

Patients have the right to change their minds and reverse a previous decision. Please contact the practice, if you change your mind regarding any previous choice.

When the practice is about to participate in any new data-sharing scheme we will make patients aware by displaying prominent notices in the surgery and on our website at least four weeks before the scheme is due to start. We will also explain clearly what you have to do to ‘opt-out’ of each new scheme.

Patients have a right to have any inaccuracies in their data deleted and corrected.

Patients have the right to move their data to another data controller (eg another GP Practice)

## **Right to Complain and Reporting of Breaches**

Patients have a right to complain if they are not happy with the way their data is managed. Please contact a member of the management team if you would like any more information or to make a complaint.

We have a duty to record any minor breaches of confidentiality and report any serious breaches to the ICO within 72 hours.

### **Sending Information Outside of the EU**

There are strict regulations about what data can be sent outside of the EU. If you are planning to emigrate outside of the EU you may want to consider making a request for a copy of your medical records before you leave.

### **Further information**

The Information Commissioner's Office is the Regulator and offers independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the [www.ico.org.uk](http://www.ico.org.uk)

## **National Data Opt Out**

**The Freshwell Health Centre** is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters). On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <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.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Our organisation is compliant with the national data opt-out policy.

## NHS DIGITAL UPDATE

### **General Practice Transparency Notice for GPES Data for Pandemic Planning and Research (COVID-19)**

This practice is supporting vital coronavirus (COVID-19) planning and research by sharing your data with NHS Digital.

The health and social care system is facing significant pressures due to the coronavirus (COVID-19) outbreak. Health and care information is essential to deliver care to individuals, to support health, social care and other public services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the coronavirus outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations. This practice is supporting vital coronavirus planning and research by sharing your data with NHS Digital, the national safe haven for health and social care data in England.

### **Our legal basis for sharing data with NHS Digital**

NHS Digital has been legally directed to collect and analyse patient data from all GP practices in England to support the coronavirus response for the duration of the outbreak. NHS Digital will become the controller under the General Data Protection Regulation 2016 (GDPR) of the personal

data collected and analysed jointly with the Secretary of State for Health and Social Care, who has directed NHS Digital to collect and analyse this data under the COVID-19 Public Health Directions 2020 (COVID-19 Direction).

All GP practices in England are legally required to share data with NHS Digital for this purpose under the Health and Social Care Act 2012 (2012 Act). More information about this requirement is contained in the data provision notice issued by NHS Digital to GP practices.

Under GDPR our legal basis for sharing this personal data with NHS Digital is Article 6(1)(c) - legal obligation. Our legal basis for sharing personal data relating to health, is Article 9(2)(g) – substantial public interest, for the purposes of NHS Digital exercising its statutory functions under the COVID-19 Direction.

### **The type of personal data we are sharing with NHS Digital**

The data being shared with NHS Digital will include information about patients who are currently registered with a GP practice or who have a date of death on or after 1 November 2019 whose record contains coded information relevant to coronavirus planning and research. The data contains NHS Number, postcode, address, surname, forename, sex, ethnicity, date of birth and date of death for those patients. It will also include coded health data which is held in your GP record such as details of:

- diagnoses and findings
- medications and other prescribed items
- investigations, tests and results
- treatments and outcomes
- vaccinations and immunisations

### **How NHS Digital will use and share your data**

NHS Digital will analyse the data they collect and securely and lawfully share data with other appropriate organisations, including health and care organisations, bodies engaged in disease surveillance and research organisations for coronavirus response purposes only. These purposes include protecting public health, planning and providing health, social care and public services, identifying coronavirus trends and risks to public health, monitoring and managing the outbreak and carrying out of vital coronavirus research and clinical trials. The British Medical Association, the Royal College of General Practitioners and the National Data Guardian are all supportive of this initiative.

NHS Digital has various legal powers to share data for purposes relating to the coronavirus response. It is also required to share data in certain circumstances set out in the COVID-19 Direction and to share confidential patient information to support the response under a legal notice issued to it by the Secretary of State under the Health Service (Control of Patient Information) Regulations 2002 (COPI Regulations).

Legal notices under the COPI Regulations have also been issued to other health and social care organisations requiring those organisations to process and share confidential patient information to respond to the coronavirus outbreak. Any information used or shared during the outbreak under these legal notices or the COPI Regulations will be limited to the period of the outbreak unless there is another legal basis for organisations to continue to use the information.

Data which is shared by NHS Digital will be subject to robust rules relating to privacy, security and confidentiality and only the minimum amount of data necessary to achieve the coronavirus purpose will be shared. Organisations using your data will also need to have a clear legal basis to do so and will enter into a data sharing agreement with NHS Digital. Information about the data that NHS

Digital shares, including who with and for what purpose will be published in the NHS Digital data release register.

For more information about how NHS Digital will use your data please see the NHS Digital Transparency Notice for GP Data for Pandemic Planning and Research (COVID-19).

### **National Data Opt-Out**

The application of the National Data Opt-Out to information shared by NHS Digital will be considered on a case by case basis and may or may not apply depending on the specific purposes for which the data is to be used. This is because during this period of emergency, the National Data Opt-Out will not generally apply where data is used to support the coronavirus outbreak, due to the public interest and legal requirements to share information.

Your rights over your personal data

To read more about the health and care information NHS Digital collects, its legal basis for collecting this information and what choices and rights you have in relation to the processing by NHS Digital of your personal data, see:

- the NHS Digital GPES Data for Pandemic Planning and Research (COVID-19) Transparency Notice
- the NHS Digital Coronavirus (COVID-19) Response Transparency Notice
- the NHS Digital General Transparency Notice
- how NHS Digital looks after your health and care information

*Last edited: 14 May 2020 2:10 pm by NHS Digital*