

MANOR FIELD SURGERY

Data Protection Privacy Notice for Patients

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) became law on 24th May 2016. This is a single EU-wide regulation on the protection of confidential and sensitive information. It enters into force in the UK on the 25th May 2018, repealing the 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 (currently in Bill format before Parliament) the practice responsible for your personal data is Manor Field Surgery.

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.

How we use your information and the Law

Manor Field 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. This does however include name, address, contact details such as email and mobile number etc.

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.

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 holds 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

To ensure you receive the best possible care, your records are used to facilitate the care you receive. 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.

Risk Stratification

Risk 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 may 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.

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 Manor Field 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 in an identifiable format. In some circumstances you can opt-out of the surgery sharing any of your information for research purposes.

With your consent we would also like to use your information to:

We would like to use your name, contact details and email address to inform you of services that may benefit you, with your consent only. There may be occasions where authorised research facilities would like you to take part on innovations, research, improving services or identifying trends.

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 as below.

Where do we store your information electronically?

All the personal data we process is processed by our staff in the UK however for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No 3rd parties have access to your personal data unless the Law allows them to do so and appropriate safeguards have been put in place. We have a Data Protection regime in place to oversee the effective and secure processing of your personal and or special category (sensitive, confidential) data.

Who are our partner organisations?

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
- GPs
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSX)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police and Judicial Services
- 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.

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 Manor Field Surgery an appropriate contract (art 24-28) will be established for the processing of your information.

THE ROTHERHAM HEALTH RECORD

The Rotherham Health Record is an electronic system for sharing your health and care information in a secure way with health and care staff that provides care directly to you. This notice explains how personal and confidential information about you is collected, used and shared within the Rotherham Health Record.

Why the information is needed

It is essential that care professionals delivering direct care to individuals have access to up-to-date and accurate information. When you receive care in a number of places in Rotherham, such as the hospital or your GP Practice, your information is stored on different computer systems. The Rotherham Health Record enables health and care professionals to access, in one place, information held in these different systems in order to deliver better care and decisions to plan and deliver your care effectively. The sharing of this information already occurs in order to deliver care to you; however it is currently done by paper and telephone which can cause delays in your treatment or care.

Who will be controlling your information?

The Rotherham Health Record is a partnership supported by NHS Rotherham Clinical Commissioning Group, The Rotherham NHS Foundation Trust, Rotherham Doncaster and South Humber NHS Foundation Trust, Rotherham Metropolitan Borough Council, Rotherham Hospice and GP Practices within the Rotherham CCG area.

All partners are signatories to the Rotherham Health Record Information Sharing Agreement which provides partner agencies with a robust foundation for the lawful, secure and confidential sharing of personal information.

Each partner has a legal duty to protect your personal information and will remain sole data controller of its own data. We all take confidentiality very seriously and are committed to ensuring all personal information within the Rotherham Health Record is managed in accordance with the relevant legislation to ensure your information is safe, secure and confidential.

Types of information shared within the Rotherham Health Record

Your Rotherham Health Record will contain key information like:

- Personal details such as name, address, date of birth, next of kin
- Names of the health and care professionals looking after you
- Any medications you are taking
- Any allergies you have
- Dates and reasons for any occasions you have been admitted to hospital
- Appointments
- Test results
- Letters, referrals and discharge information
- Emergency contact details

It will not contain sensitive information, such as your sexual health history.

Lawful basis for sharing the information

The following outlines the legal basis that will be used to allow us to share your information within the Rotherham Health Record.

- **General Data Protection Regulation**

Article 6 (e): *Necessary for the performance of a task carried out in the exercise of official authority vested in the controller*

For the purposes of the Rotherham Health Record this includes the NHS Act 2006, Health and Social Care Act 2012, Health and Social Care Act (Safety and Quality) 2015.

Article 9 (h): *Necessary for the provision of health or social care or the treatment or the management of health or social care systems and services (where processed by or under responsibility of a professional subject to a duty of confidentiality)*

- **Common Law Duty of Confidentiality (to satisfy fair and lawful processing under the first principle of GDPR):** The sharing of personal confidential data into the Rotherham Health Record and the viewing of information within the Rotherham Health Record are for the purposes of Direct Care only. Accordingly, the patient's consent to such sharing may be assumed as long the sharing has been communicated to patients, and all patients have the opportunity to opt-out.

How your information will be used and accessed

Personal information contained in the Rotherham Health Record will only ever be used for your direct care and support.

Only health and social care professionals directly involved in your care are allowed to access personal information within the Rotherham Health Record and all access activity is monitored and audited. All partner organisations have 'Privacy Officers' these individuals have the ability to audit all access to the Rotherham Health Record ensuring full integrity of the system.

Organisations with whom the information will be shared

The following organisations will have access to, and will share information with, the Rotherham Health Record:

- The Rotherham NHS Foundation Trust
- Rotherham Doncaster and South Humber NHS Foundation Trust
- Rotherham Metropolitan Borough Council
- Rotherham Hospice
- GP Practices within the Rotherham CCG boundary

Your information will not be shared with anyone who is not providing you with direct care or supporting these services and will never be made available to any third party, unless;

- Where you, the individual to whom the information relates has consented
- Where the disclosure is necessary to safeguard you, the individual, or others, or is in the public interest
- Where there is a legal duty to do so, for example a court order

How long the information will be kept for

The Rotherham Health Record is a read-only system which allows health and care professionals a view of information contained in other computer systems, it does not hold any clinical patient information within it.

How to object to information being shared within the Rotherham Health Record

You can opt out of having your information shared through the Rotherham Health Record at any time. If you would like to opt out please use one of the following options:

- Email: rotherhamhealthrecord@nhs.net
- Ring 01709 427299
- Write to: Rotherham Health Record Consent
Subject Access Request Team
Rotherham Hospital
Moorgate Road
Rotherham
S60 2UD

Your rights

Under the General Data Protection Regulation you have the right to request access to the information held about you as well as who has accessed your information. You also have the right to have information about you corrected in the event that it is inaccurate, not to be subject of automated decision-taking or profiling and to be notified of data breaches. Please contact the care professional providing you with care or treatment in the first instance.



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-SocialCare-2016>)

How can you access, amend or 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.

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 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
- 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 regarding 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 practice 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 practice, please contact the Practice Manager or the Data Protection Officer as below. 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:
Wycliffe house
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
www.ico.org.uk

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 in regard to Data Protection issues should be addressed to him at: -

Email: Couldrey@me.com

Postal: PCIG Consulting Limited
7 Westacre Drive
Quarry Bank
Dudley
West Midlands
DY5 2EE

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.

Dated: May 2018