



# Privacy Notice – Direct Care, (routine care and referrals)

HERRINGTON MEDICAL CENTRE

This practice keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data.

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, on average an NHS GP has between 1,500 to 2,500 patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances, for this reason GPs share your care with others, predominantly within the surgery but occasionally with outside organisations.

If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.

Your consent to this sharing of data, within the practice and with those others outside the practice is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance admin staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments, the practice nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts whilst the GP you see or speak to will normally have access to everything in your record.

## **Our use of the Great North Care Record**

As a partner in the Great North Care Record (GNCR), we are required to request and share your information from and with other relevant parties who are part of your care provision and ongoing support. This includes NHS Providers (such as General Practitioners, Acute Health Providers, Ambulance Services and Mental Health Care Providers) as well as local authorities who provide social care.

Full details of the member organisations of the GNCR, what data may be viewed across the GNCR network, and what are the benefits to being part of the GNCR are available from the GNCR website –

<https://www.greatnorthcarerecord.org.uk/>

If you wish to opt-out of your data being shared via the GNCR, or you wish to speak to someone about this use of your data you can contact the practice direct. Please note that this will only prevent your information being shared via the GNCR and will not opt you out of sharing with those organisations who are currently providing you with your care or may provide it in the future. Your consent is not required to do this as it is necessary to ensure you receive the safest and highest quality of care and treatment.

Exclusion from the GNCR may have a detrimental effect on the service we can provide to you. We will always seek to comply with your request, but in some circumstances, there may be additional reasons where the sharing of your information may be necessary, for example a Court Order or where information is required to be shared should there be a concern that yourself or others are at risk of harm.

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## Shared PCN Clinical Services

As a partner practice in Coalfields Primary Care Network (PCN) we will share your information with other shared services within the PCN who are part of your care provision and ongoing support. Where you engage with these services, your healthcare information will be held within a common system that can be accessed by all practices within the PCN.

All individuals who will have access to your records via PCN shared services are bound by the same requirements to maintain the confidentiality of your information as the staff within your practice.

The information held about you is used to provide health and social care, for the management of the services that the PCN provide, the management of the NHS, and also for public health reasons. It may also be used to contact you regarding the provision of these services.

Where you are receiving care from PCN shared services, information relating to the care provided will be added to your practice clinical record.

Information about you held within the PCN Clinical system will be accessed by authorised individuals who are involved in providing direct care to you or who support the provision of direct care or the management of these services. This will include:

- Doctors and nurses who provide you with treatment
- Other clinical staff such as Pharmacists and Radiologists
- Clinical Managers

Coalfields PCN consists of the following practices:

- Herrington Medical Centre
- Houghton Medical Group
- Kesper Medical Practice
- Hetton Group Practice
- Westbourne Medical Practice
- Grangewood Surgery

To access any of your healthcare information held within the PCN Shared services, please contact the practice manager.

## ACR project for patients with diabetes (and/or other conditions)

The data is being processed for the purpose of delivery of a programme, sponsored by NHS Digital, to monitor urine for indications of chronic kidney disease (CKD) which is recommended to be undertaken annually for patients at risk of chronic kidney disease e.g., patients living with diabetes. The programme enables patients to test their kidney function from home. We will share your contact details with Healthy.io to enable them to contact you and send you a test kit. This will help identify patients at risk of kidney disease and help us agree any early interventions that can be put in place for the benefit of your care. Healthy.io will only use your data for the purposes of delivering their service to you. If you do not wish to receive a home test kit from Healthy.io we will continue to manage your care within the Practice. Healthy.io are required to hold data we send them in line with retention periods outlined in the Records Management code of Practice for Health and Social Care. Further information about this is available at:

[https://lp.healthy.io/minute/ful\\_info/](https://lp.healthy.io/minute/ful_info/).

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## General Practice Data for Planning and Research

Herrington Medical 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 the Practice, Accident & Emergency or using Community Care services, important information about you is collected to help ensure you get the best possible care and treatment and to ensure that the standards of service provided are of the highest quality. Your data may be used to contact you about your experiences of using such services via surveys and questionnaires.

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
- Monitor the long-term safety and effectiveness of care
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- plan how to deliver better health and care services
- prevent the spread of infectious diseases
- identify new treatments and medicines through health research

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.

The data is collected about any living patient registered at a GP practice in England when the collection of data started and any patient who dies after the collection of data started.

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.

Data that directly identifies you as an individual patient, including your NHS number, General Practice Local Patient Number, full postcode, date of birth and if relevant date of death, is replaced with unique codes produced by de-identification software before it leaves the practice. In some circumstances and where allowed by legislation organisations such as NHS Digital will be able to convert the unique codes back to identifiable information.

Further information can be found on the NHS Digital Website by clicking this link:

<https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-data-for-planning-and-research/transparency-notice>

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.

If you do not want your identifiable patient data to be shared outside of the practice for purposes other than the provision of care please ask the practice for a form to register your Type 1 Opt-out preference.

For further information on the National 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:

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- 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 currently' compliant with the national data opt-out policy.

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

What we hold about you:	We hold the following types of information about you: <ul style="list-style-type: none"><li>• Basic details about you, such as your name, date of birth, NHS Number</li><li>• Contact details such as your address, telephone numbers, email address</li><li>• Contact details of your 'Next of Kin', a close relative, friend or advocate</li><li>• Contacts we have had with you; scheduled and unscheduled appointments</li><li>• Details about your care; treatment and advice given and referrals made</li><li>• Results of investigations, eg blood tests</li><li>• Relevant information from people who care for you and know you well</li></ul>
<b>1) Data Controller</b> contact details	Herrington Medical Centre
<b>2) Data Protection Officer</b> contact details	James Carroll 0191 404 1000 Ext 3436 Dpo.sunccg@nhs.net

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3) <b>Purpose</b> of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) <b>Lawful basis</b> for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions 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...'</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>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality" *</p>
5) <b>Recipient or categories of recipients</b> of the processed data	<p>The data will be shared with Health and Social care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care and with Social Care Providers, for example:</p> <p>Sunderland Royal Hospital  Queen Elizabeth Hospital  Royal Victoria Infirmary  Freeman Hospital  James Cook Hospital  All other Clinics used for the purpose of a referral to Secondary Care</p>
6) <b>Rights to object</b>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection; that is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
7) <b>Right to access and correct</b>	<p>You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.</p>
8) <b>Retention period</b>	<p>The data will be retained in line with the law and national guidance.  <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a>  or speak to the Practice.</p>
9) <b>Right to Complain</b>	<p>You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

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\* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.