

## General Data Protection Regulation and our Practice Responsibilities

### Introduction

Happy House Surgery is the **Controller** of the personal data registered patients provide to us.

We collect basic personal data about you which includes name, address and contact details such as email, landline and mobile numbers.

We will also collect sensitive confidential data known as **special category personal data**. This includes information about your health, any religious belief relevant to your care, 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?

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 .

We also have a statutory safeguarding responsibility to fulfil which, under the General Data Protection Regulation, we will be lawfully using your information in accordance with:-

Article 9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’

### **Where do we store your information electronically?**

All the personal data we process is processed by our staff in the UK and held on servers located in the United Kingdom.

No third 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, sensitive and confidential data.

### **How long will we store your information.**

We are required under UK law to keep your information and data for 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>)

### **Our Services**

To make the best of the services we provide, we may wish to use you contact details to inform you of your appointments that have been made for you and for health services that may benefit you: this is with your consent only. There may also 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 by contacting the Practice. You can opt out of any text messaging at any time by replying OPTOUT to any of our texts.

### **What are your rights?**

If at any point you believe the information we process on you is incorrect you can request to see this information and have it corrected or deleted.

If the issue is with a record we hold in your notes which originates from one of our partner organisations, you will need to take the issue up with that organisation through their processes.

You can still request a copy of your medical Records from the practice — From May 2018 this will be Free of Charge.

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO). Details can be found at [www.informationcommissioner.co.uk](http://www.informationcommissioner.co.uk)

### **Who is the Data Protection Officer for the Practice?**

Our Data Protection Officer (from 25.05.2018) is **Jim Carroll**. You can contact him at [dpo.sunccg@nhs.net](mailto:dpo.sunccg@nhs.net) or telephone 0191 404 1000 Ext 3436

## **Fair Processing Notice - how we use your personal information**

The fair processing notice explains why we information about our patients and how that information may be used. You can view the notice on our website.

## **Patient confidentiality**

If you wish to speak to the receptionist in confidence, we can arrange a quiet area available away from the main reception. Please ask.

You have the right to know as much about your medical condition as you want to know. We will not discuss your case with anyone not directly involved in your health care unless you wish us to and have given your consent first.

You are welcome to see your health records and discuss the contents with the doctor if you wish.

## **The information we hold and where we hold it**

Patients' health records are kept by the practice with which they are registered and the hospital or NHS trust which treats them. They will be held on paper or electronically – in most cases this is a mixture of both. Each health professional is responsible for the accuracy and safekeeping of health records.

The records include general information like name, address and date of birth. They also contain details of care such as consultations, illnesses, investigations undertaken, prescriptions received and treatment carried out.

When Patients change their GP, health records are returned to the PCSE to be forwarded onto the new practice, and if necessary, hospital records can be passed onto the local hospital. Some Practices are able to accept a transfer of the information held on our EMIS medical system electronically (GP2GP). In these instances, the electronic element of your notes would transfer directly to

the new GP. Should this not be successful, they will be returned to the PCSE to be sent to the new GP.

The law strictly controls the management of all personal information:

- Anyone who received information about you has a legal duty to keep it confidential.
- You have a right of access to your health records, with some exceptions.
- Your right of privacy allows you to keep your health records confidential between you and your health professional, with some exceptions.

### **Why we keep and share information**

We keep information and details of the care you have received in order to help plan your current and future healthcare. If you receive care from organisations outside the NHS we may need to share certain information to enable us to work together e.g. private healthcare or Social Service. In certain circumstances we are required to pass on information, for example, to notify a health visitor of a birth or to protect vulnerable people.

### **Who sees this information?**

Health professionals in the course of their work, e.g. doctors, nurses, community health workers, therapists and technicians all have access to the health records of their patients. Reception staff will also have some access to your information which is strictly limited to the duties they need to perform, such as make appointments, take repeat prescriptions, code clinical information etc. It is important to note that they have the same responsibilities for confidentiality as clinicians.

Other NHS, Practice, Hospital and Social Services staff may have some access to your health in order to assist in the delivery of your care.

### **Within the NHS:**

- GPs refer patients to hospital for review or treatment and the GP is kept informed of the care the patient has received, for example, consultations, tests or treatment.
- GPs must keep the Primary Care Trust up to date with all registration changes and details of certain procedures that are carried out on their patients. Practices also share some information with the Primary Care Trust to help with national programs for public health like cervical smear tests and breast screening.

We are required to inform the Department of Health concerning the incidence of some communicable diseases, e.g. meningitis and measles (not HIV/AIDS) for public health reasons

### **Other organisations who might request information about you include:**

- The Benefits Agency may sometimes need medical reports. These will require your signed consent to enable them to be released.
- Solicitors might ask for medical reports.
- Life Assurance companies often ask clients for medical reports.

We always need patients' signed consent for us to disclose this information. We will not give details regarding third parties contained in your records.

Law courts may also ask us for information however, whilst in some instances consent must be obtained, they can insist we release information under certain circumstances.

### **What you need to do**

We have a responsibility to keep your information up to date however we cannot do this without your help. Inform us of any change to your name, address, telephone number, any email address you wish us to hold, or marital status so we can keep your health records up to date at all times.

If you wish to view your health records please make an appointment with the Practice Manager.

If you have any concerns about who might see your health records or have any other queries regarding them, for GP health records contact the Practice Manager where you are registered. Alternatively, for hospital or community health records, contact either the manager responsible for patients' personal information or the person responsible for your care.