Privacy Notice – Recording Telephone Calls

Plain English explanation

The surgery has the ability to record telephone calls to protect patients and staff and other health workers. Patients are protected by the ability to record our conversations with you, staff and other health workers are protected from potential abuse. Calls to and from the surgery to non-clinical staff are recorded. Calls to and from clinical staff are not routinely recorded but this facility can be turned on when necessary. We also occasionally use recordings for staff training and quality control.

When you register with us we will make this clear to you and we will also make this clear to you via our web site and other sources of information, such as a recorded message that will be played before inbound calls are answered.

Calls, or transcripts of calls, audio or audio-visual recordings or elements of the discussion you have with the clinicians that contain clinical information may be added to your medical records, but this will be clarified with you at the time.

The recordings are stored securely on a system provided by Redcentric and are protected through the company's GDPR Policy. Recordings are automatically deleted after 3 months unless stored for a particular reason.

These recordings will not usually be shared outside the practice.

If we hold recordings that have not been deleted you can ask for copies by putting a request to the Practice in writing via a Subject Access Request.

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

1) **Data Controller** contact details	Hyde Park Surgery – Hydeparksurgery.admin@nhs.net
2) **Data Protection Officer** contact details	Aaron Linden DPO Leeds CCG leedsccg.dpo@nhs.net
3) **Purpose** of the processing	To facilitate your access to care and in the case of telephone or other audio visual consultations for your direct care.
4) **Lawful basis** for processing	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: *Article 6(1)(e) '…necessary for the performance of a task carried out in the public interest or in the exercise of*

	official authority…'. *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..."* We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*
5) **Recipient or categories of recipients** of the processed data	Necessary data will be shared with Health and care professionals and support staff in this surgery. Clinical data or records of consultations may be transcribed or appended to the records we hold on you and may thence be shared at hospitals, diagnostic and treatment centres who contribute to your personal care. Actual recordings will not be shared with anyone outside the practice. Please see our Privacy Notice for Direct Care. The actual recordings are stored on the telephone system and after a designated period of time will be deleted. You will be informed if the recording is to be stored for longer than is set out in this Privacy Notice and you will informed the reasons for such.
6) **Rights to object**	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
7) **Right to access and correct**	You have the right to access the data that is being shared and have any inaccuracies corrected. We can provide copies of recordings if they have not been deleted. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) **Retention period**	We will keep recordings for the period of our contract with our provider. Clinical data transcribed from your telephone or other electronic consultations may become part of your clinical record and is retained according to relevant rules and regulations, see Privacy Notice on Direct Care.
9) **Right to Complain**.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)

* "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.

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