



Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

PRACTICE FAIR PROCESSING POLICY and PRIVACY NOTICE

Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how we will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical **Audit** and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you.

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin and NHS Number.

And

- 'Special category / sensitive data' such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, **Community Care** provider, mental health care provider, walk-in -centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Why do we collect this information?

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

How is the information collected?

Your information will be collected either paper based or electronically using our secure password protected clinical system-EMIS Web, secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. In addition physical information will be collected at the time of registration at the practice. This information will be retained within our GP's electronic patient record or within your physical medical records which are securely stored.

Who will we share your information with?

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services
- NHS
- 111 and Out of Hours Service
- Local Social Services and **Community Care** services
- Voluntary Support Organisations commissioned to provide services by your CCG

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that we can provide the appropriate care.

[In addition we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.]

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

Consent and Objections

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore we may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. We will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

What will happen if you withhold your consent or raise an objection?

You have the right to write to withdraw your consent to any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact us for further information and to raise your objection.

Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps us to determine whether you are at risk of an unplanned **Admission** or deterioration in health. By using selected information such as age, gender, NHS number, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to **Community Care** we will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

*[We will use computer based algorithms or calculations to identify our registered patients who are at most risk, with support from the local **Commissioning** Support Unit and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Barking and Dagenham CC in accordance with the current Section 251 Agreement. Neither the CSU nor your local CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.]*

We will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

[A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.]

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems enables your record to be shared with organisations involved in your direct care, such as:

- GP practices
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care Homes
- Mental Health Trusts
- NHS Trusts
- Social Care organisations
- Pharmacies

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the "right of subject access". If you would like to have access to all or part of your records, you can make a request in writing to us. You should however be aware that some details within your health records may be exempt from disclosure, however this will in the interests of your

wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to:

Practice Manager, Green Lane Surgery, 872 Green Lane, Dagenham RM8 1BX

Complaints

In the event that you feel we have not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** to the Practice Manager at: Green Lane Surgery, 872 Green Lane, Dagenham RM8 1BX

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at www.ico.gov.uk

For more information ask at reception or visit our website

www.greenlanesurgery.com

Data Protection Officer (DPO)- Dr Narendra Teotia

Practice Privacy Notice 1 – Provision of Direct Care

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 and 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 both within and outside 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.

Registering for NHS care

- All patients who receive NHS care are registered on a national database.
- This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
- The database is held by NHS Digital a national organisation which has legal responsibilities to collect NHS data.

- The phone number for general enquires NHS Digital is 0300 303 5678

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, Green Lane Surgery on average has 3,500 patients for whom we are accountable. It is not possible for one GP to provide hands on personal care for each and every one of those patients. In these circumstances GPs share your care with others, predominantly within the surgery but occasionally with outside organisations.

Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record. For more information see: <https://digital.nhs.uk/summary-care-records> or alternatively speak to practice manager.

If your health needs require care from others 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 assumed and 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 manager and some reception staff will have access to more clinical data such as investigations and hospital reports and discharge summary. 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.

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.

1. Data Controller contact details	Green Lane surgery, 872 Green lane, Dagenham, RM8 1BX Dr Narendra Teotia/ Dr Tina Teotia
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	Tel 020 8599 7151
2. Data Protection Officer contact details	Dr Narendra Teotia Green Lane surgery Tel 020 8599 7151
3. Purpose 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. 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: <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> <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> 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	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care. Some of the main organisations we share data with are: BHR Hospitals (BHRUT) NELFT – mental health trust/ community services Other Secondary care NHS Trusts in London Private Healthcare Spire Hospitals Care UK- North East London Treatment centre Marie Stopes and other pregnancy advisory services GP Hub service Community diagnostics In-Health group Pharmacists and Opticians Integrated care
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

<p>7. Right to access and correct</p>	<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>
<p>8. Retention period</p>	<p>The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
<p>9. Right to Complain.</p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</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>

* “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.

Summary Care Records

The Summary Care Record is an English NHS development. It consists of a basic medical record held on a central government database on every patient registered

with a GP surgery in England. The basic data is automatically extracted from your GP's electronic record system and uploaded to the central system GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient

As well as this basic record's additional information can be added, and this can be far reaching and detailed. However, whereas the basic data is uploaded automatically any additional data will only be uploaded if you specifically request it and with your consent.

Summary Care Records can only be viewed within the NHS on NHS smartcard controlled screens or by organisation, such as pharmacies, contracted to the NHS.

You can find out more about the SCR here

<https://digital.nhs.uk/summary-care-records>

You have a right of opting of sharing your confidential patient information.

You have two options as detailed below:

Type 1 opt-outs

You have the right to control how medical information about you is shared, disseminated or sold, for purposes other than your direct medical care – so called *secondary uses (or purposes)*.

You can control your personal confidential information by expressing an objection, or *opt-out* to prevent identifiable information about you being extracted from your GP record, and uploaded to *any* other organisation, for purposes other than your direct care.

If you would like to Opt-Out please talk to the practice manager and your records will be updated accordingly with a code (9Nu0) and it should then prohibit extraction and uploading of your identifiable information.

The National Data Opt-outs (Type 2 opt-outs)

The national data opt-outs: (replaces the previous 'type 2' opt-outs)

Sharing confidential patient information that NHS Digital collects from the across the health and care service for purposes other than your individual care is called Type 2 information

It helps NHS to research, plan and improve health and care services in England.

Unless you have chosen to opt out, your confidential patient information can be used for research and planning.

Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out.

If you would like to Opt-out from National data after 11th October 2018, you can only do it on line service at www.nhs.uk/your-nhs-data-matters.

Practice Privacy Notice 2 - National Clinical Audits to measure the quality of care

Checking the quality of care - national clinical audits

Green Lane Surgery contributes to national clinical audits so that healthcare can be checked and reviewed.

- Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
- The results of the checks or audits can show where hospitals are doing well and where they need to improve.
- The results of the checks or audits are used to recommend improvements to patient care.
- Data are sent to NHS Digital a national body with legal responsibilities to collect data.
- The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.

- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website: <https://www.hqip.org.uk/> or phone 020 7997 7370.
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object.

Identifying patients who might be at risk of certain diseases

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
- This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used.
- Information which identifies you will only be seen by this practice.
- Speak to the practice for more information

We are required by law to provide you with the following information about how we share your information for medical research purposes.

1.Data Controller contact details	Green lane Surgery, 872 Green lane, Dagenham, RM11 2QY Dr. Narendra Teotia/ Dr. Tina Teotia Tel 020 599 7151
2. Data Protection Officer contact details	Dr. Narendra Teotia Green lane Surgery Tel: 0208 5997151
3. Purpose of the processing	Check the quality of care which is given to patients (this is called national clinical audit).
4. Lawful basis for processing	The following sections of the GDPR mean that we can use medical records to check the quality of care (national clinical audits) Article 6(1)(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’.

	To check the quality of care (clinical audit): Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’
5. Recipient or categories of recipients of the processed data	For national clinical audits which check the quality of care the data will be shared with NHS Digital.
6. Rights to object and the national data opt-out	You have a right to object under the GDPR and the right to ‘opt-out’ under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of: information that identifies you being used or shared for quality checking or audit purposes. Please contact the practice if you wish to opt-out.
7. Right to access and correct	<ul style="list-style-type: none"> You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – www.greenlanesurgery.com We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
8. Retention period	GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9. Right to complain	You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113

Practice privacy notice 3 – Legal requirements to share data

How your information is shared so that this practice can meet legal requirements

The law requires **Green Lane Surgery** to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.

We must also share your information if a court of law orders us to do so.

NHS Digital

NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.

NHS Digital is a single secure repository where data collected from all branches of the NHS is processed.

NHS Digital provides reports on the performance of the NHS, statistical information, audits and patient outcomes (<https://digital.nhs.uk/data-and-information>). Examples include; A/E and outpatient waiting times, the numbers of staff in the NHS, percentage target achievements, payments to GPs etc and more specific targeted data collections and reports such as the Female Genital Mutilation, general practice appointments data and English National Diabetes Audits.

This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012. This is a legal obligation which overrides any patient wishes. These instructions are called "Directions". More information on the directions placed on GPs can be found at <https://digital.nhs.uk/article/8059/NHS-England-Directions-> and www.nhsdatasharing.info

More information about NHS Digital and how it uses information can be found at:

<https://digital.nhs.uk/home>

1. Data Controller contact details	Green Lane Surgery, 872 Green lane, Dagenham, RM8 1BX Dr Narendra Teotia/ Dr Tina Teotia Tel 020 8599 7151
2. Data Protection Officer contact details	Dr Narendra Teotia Contact Tel 020 8599 7151
3. Purpose of the processing	To provide the Secretary of State and others with information and reports on the status, activity and performance of the NHS services. To provide level of patient's care, safety and patient care satisfaction.
4. Lawful basis for processing	The legal basis will be <i>Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is subject."</i> And <i>Article 9(2)(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 and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;"</i>
5 Recipient or categories of recipients of the shared data	The data will be shared with NHS Digital according to directions which can be found at https://digital.nhs.uk/article/8059/NHS-England-Directions-
6. Rights to object	You have the right to object to some or all of the information being shared with NHS Digital. Contact the Data Controller or the practice.
7. Right to access and correct	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.
8. Retention period	The data will be retained for active use during the processing and

	thereafter according to NHS Policies and the law.
9. Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</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>

Care Quality Commission (CQC)

- The CQC regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
- For more information about the CQC see: <http://www.cqc.org.uk/>

Public Health

The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.

Public health encompasses everything from national smoking and alcohol policies, the management of epidemics such as flu, the control of large scale infections such as TB and Hepatitis B to local outbreaks of food poisoning or Measles. Certain illnesses are also notifiable; the doctors treating the patient are required by law to inform the Public Health Authorities, for instance Scarlet Fever.

This will necessarily mean the subjects personal and health information being shared with the Public Health organisations.

We will report the relevant information to local health protection team or Public Health England. For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

<p>1. Data Controller contact details</p>	<p>Green Lane Surgery, 872 Green lane, Dagenham, RM8 1BX Dr. Narendra Teotia/ Dr. Tina Teotia Tel 020 8599 7151</p>
<p>2. Data Protection Officer contact details</p>	<p>Dr. N Teotia, Green lane Surgery Tel: 0208 599 7151</p>
<p>3. Purpose of the processing</p>	<p>Compliance with legal obligations or court order.</p>
<p>4. Lawful basis for processing</p>	<p>The following sections of the GDPR mean that we can share information when the law tells us to.</p> <p>Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</p> <p>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>
<p>5. Recipient or categories of recipients of the processed data</p>	<ul style="list-style-type: none"> • The data will be shared with NHS Digital. • The data will be shared with the Care Quality Commission. [Or equivalent body] • The data will be shared with our local health protection team or Public Health England. • The data will be shared with the court if ordered.
<p>6. Rights to object and the national data opt-out</p>	<p>There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.</p> <p>NHS Digital</p> <ul style="list-style-type: none"> • You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. • This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record. • Please note: The ‘Type 1’ objection, however, will no longer be available after 2020. • This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.

	<p>Public health</p> <ul style="list-style-type: none"> • Legally information must be shared under public health legislation. This means that you are unable to object. <p>Care Quality Commission</p> <ul style="list-style-type: none"> • Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object. <p>Court order</p> <ul style="list-style-type: none"> • Your information must be shared if it ordered by a court. This means that you are unable to object.
<p>7. Right to access and correct</p>	<ul style="list-style-type: none"> • You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – www.greenlanesurgery.com • We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
<p>8. Retention period</p>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
<p>9. Right to complain</p>	<p>You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113</p>

<p><u>Safeguarding</u></p> <ul style="list-style-type: none"> • Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.

- We do not need your consent or agreement to do this.
- Please see our local policies for more information. <http://newsite.bardag-lscb.co.uk/>

There are three laws that allow us to do this without relying on the individual or their representatives agreement (unconsented processing), these are:

Section 47 of The Children Act 1989 :

(<https://www.legislation.gov.uk/ukpga/1989/41/section/47>),

Section 29 of Data Protection Act (prevention of crime)

<https://www.legislation.gov.uk/ukpga/1998/29/section/29>

and section 45 of the Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>.

In addition there are circumstances when we will seek the agreement (consented processing) of the individual or their representative to share information with local child protection services, the relevant law being; section 17 Childrens Act 1989

<https://www.legislation.gov.uk/ukpga/1989/41/section/17>

1. Data Controller contact details	Green Lane Surgery, Dagenham, RM8 1BX Dr Narendra Teotia / Dr Tina Teotia Tel 020 8599 7151
2. Data Protection Officer contact details	Dr Tina Teotia Contact Tel 0208 599 7151
3. Purpose of the processing	The purpose of the processing is to protect the child or vulnerable adult.
4. Lawful basis for processing	The sharing is a legal requirement to protect vulnerable children or adults, therefore for the purposes of safeguarding children and vulnerable adults, the following Article 6 and 9 conditions apply: For consented processing; 6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes For unconsented processing;

	<p>6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject</p> <p>and:</p> <p>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.’</p> <p>We will consider your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5. Recipient or categories of recipients of the shared data</p>	<p>The data will be shared with local safeguarding team B&D</p>
<p>6. Rights to object</p>	<p>This sharing is a legal and professional requirement and therefore there is no right to object.</p> <p>There is also GMC guidance: https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_56_63_child_protection.asp</p>
<p>7. Right to access and correct</p>	<p>The DSs or legal representatives has 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>
<p>8. Retention period</p>	<p>The data will be retained for active use during any investigation and thereafter retained in an inactive stored form according to the law and national guidance</p>
<p>9. Right to Complain.</p>	<p>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).</p>

GP Payments

Contract holding GPs in the UK receive payments from NHS England on a tiered basis and type of contract they hold. Most of the income is derived from baseline

capitation payments made according to the number of patients registered with the practice on quarterly payment days. These amounts are paid per patient per quarter varies according to the age, sex and other demographic details for each practice population.

There are also graduated payments made according to the practice’s achievement of certain agreed national quality targets known as the Quality and Outcomes Framework (QUOF), for instance the proportion of diabetic patients who have had an annual review and their diabetic control. Practices can also receive payments for participating in agreed national or local enhanced services (LES), for instance opening early in the morning or late at night or at the weekends. Practices can also receive payments for certain national initiatives such as childhood immunisation, cervical cytology, Flu vaccination programme and non- patient related elements such as premises rent and rates and water rates.

Finally, there are short term initiatives and projects that practices can take part in. Practices or GPs may also receive income for participating in the education of undergraduate medical students, GP trainees and research.

In order to make patient based payments basic and relevant necessary data about you needs to be sent to the PCSE and NHS England for payment purpose. The release of this data is required by English laws

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	Mrs Saroj Teotia – practice manager Contact- Tel 020 8599 7151
2. Data Protection Officer contact details	Dr N Teotia Contact Tel No 020 8599 7151
3. Purpose of the processing	To enable GPs to receive payments. To provide accountability.
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: <i>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”</i> And <i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the</i>

	<i>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>
5. Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.
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. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8. Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
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)

1, NHS England's powers to commission health services under the NHS Act 2006 or to delegate such powers to CCGs and the GMS regulations 2004 (73)1

2, For more information about payments for GPs please see; <https://digital.nhs.uk/NHAIS/gp-payments> , <https://digital.nhs.uk/catalogue/PUB30089> and <http://www.nhshistory.net/gppay.pdf>

Summary Care Records

The Summary Care Record is an English NHS development. It consists of a basic medical record held on a central government database on every patient registered

with a GP surgery in England. The basic data is automatically extracted from your GP's electronic record system and uploaded to the central system GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient

As well as this basic records additional information can be added, and this can be far reaching and detailed. However, whereas the basic data is uploaded automatically any additional data will only be uploaded if you specifically request it and with your consent.

Summary Care Records can only be viewed within the NHS on NHS smartcard controlled screens or by organisation, such as pharmacies, contracted to the NHS.

You can find out more about the SCR here <https://digital.nhs.uk/summary-care-records>

You have the right to object to our sharing your data in these circumstances and you can ask your GP to block uploads.

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	Mrs Saroj Teotia- Practice manager Contact Tel 020 8599 7151
2. Data Protection Officer contact details	Dr N Teotia - Contact Tel 020 8599 7151
3. Purpose of the processing	Upload of basic and detailed additional SCR data
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: <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> <i>Article 9(2)(h) 'necessary for the purposes of</i>

	<p><i>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. Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres, GP out of hours service-GP Hub who contribute to your personal care.
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. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8. Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9. Right to Complain.	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</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>

* “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.

Practice privacy notice 4 – National screening programmes

National screening programmes

- The NHS provides national screening programmes so that certain diseases can be detected at an early stage.
- These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.
- The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.
- More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the practice manager.

We are required by law to provide you with the following information about how we handle your information in relation to our legal obligations to share data.

<p>1. Data Controller contact details</p>	<p>Mrs. Saroj Teotia – Practice manager Tel 020 8599 7151</p>
<p>2. Data Protection Officer contact details</p>	<p>Dr. Narendra Teotia – 0208 599 7151</p>
<p>3. Purpose of the processing</p>	<ul style="list-style-type: none"> • The NHS provides several national health screening programs to detect diseases or conditions early such as cervical and breast cancer, aortic aneurysm and diabetes. • The information is shared so that the correct people are invited for screening. This means those who are most at risk can be offered treatment.

<p>4. Lawful basis for processing</p>	<p>The following sections of the GDPR allow us to contact patients for screening.</p> <p>Article 6(1)(e) – ‘processing is necessary...in the exercise of official authority vested in the controller...’</p> <p>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>
<p>5. Recipient or categories of recipients of the processed data</p>	<p>The data will be shared with PCSE – Primary Care Services England.</p>
<p>6. Rights to object</p>	<p>For national screening programs: you can opt so that you no longer receive an invitation to a screening program. See: https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</p> <p>Or speak to your practice.</p>
<p>7. Right to access and correct</p>	<ul style="list-style-type: none"> • You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – www.greenlanesurgery.com • We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
<p>8. Retention period</p>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records can be kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>

<p>9. Right to complain</p>	<p>You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113</p>
	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.</p>