

Lower Clapton General Practice

General Practice Privacy Notice

This privacy notice tells you what to expect us to do with your personal information when you contact us or use our services.

Background

This practice's primary purpose is to provide the best care possible for you. In order to do this, we need to collect, store and share information about you.

This privacy notice is designed to explain what happens to any personal data that you give us or any information concerning you that is collected by other organisations, for instance, if you attend an Accident and Emergency department. This includes how your data is held and/or processed by us.

This notice includes:

- Who we are and how we use your information
- The kinds of information we hold and how we process it
- The legal grounds for processing your personal data, including when it is shared with others
- What to do if your personal information changes
- The length of time that your information is stored and retained by us
- Information about your rights under the 2018 Data Protection Act incorporating the UK General Data Protection Regulations (GDPR)
- Information about what to do if you have a query or problem

Under the 2018 Data Protection Act incorporating the UK General Data Protection Regulation –(GDPR) the practice is known as the Data Controller. As such, we are responsible for keeping your data up to date and accurate, as well as storing it safely and sharing it securely. If you have a problem or a question regarding your data, you should contact the Operations Manager in the first instance. Should your issue be unresolved, the Act stipulates also that public sector organisations should provide access to an independent Data Protection Officer and their contact details are provided in the summary at the end of this document

Our contact details

Name: Lower Clapton General Practice

Address: Lower Clapton Health Centre, 36, Lower Clapton Road, E5 0PQ

General phone number: 020 8986 7111

General inquiries email address: lower.claptongp@nhs.net (for non-urgent enquiries only)

Website: <https://www.lowerclapton.nhs.uk/>

We are the controller for your information. A controller decides on why and how information is used and shared.

Data Protection Officer contact details

NHS NEL GP DPO – please see table at end of document for more summary details

How do we get information and why do we have it?

The personal information we collect is provided directly from you for one of the following reasons (see also end of document for summary details):

- you have provided information to seek care – this is used directly for your care, and also to manage the services we provide, to clinically audit our services, investigate complaints, or to be used as evidence as part of an investigation into care
- you have sought funding for continuing health care or personal health budget support
- you have signed up to our newsletter/patient participation group
- you have made a complaint

We also receive personal information about you indirectly from others, in the following scenarios:

- from other health and care organisations involved in your care so that we can provide you with care
- from family members or carers to support your care

Communication with Our Patients

- The practice will use your contact details in order to inform you of progress in your treatment or to work with you in managing your health. Because we can communicate and get data to you more quickly and more securely, we prefer to use

email and text messaging services. **Please ensure that we always have your current, up to date, email address and mobile telephone number so that we can do this.** If you would prefer us NOT to communicate with you in these ways, please let us know.

- If you have downloaded the NHS app (or other similar app), we may also use this to communicate with you and to update your referrals etc.
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What information do we collect?

Personal information

Our practice keeps data on you relating to who you are, where you live, your contact details, your family, details of your occupation - if any and possibly your employers, your lifestyle, your health problems and diagnoses, the reasons you seek help at your appointments. Your record also contains details of carers or caregivers if you have them, where you are seen, when you are seen, and by whom, as well as all referrals to specialists and other health and social care 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 health care workers, within and without the NHS as well as comments and aide memoires reasonably made by health and care professionals in this practice who are appropriately involved in your health care. All of this data helps us in providing you with the best possible care, and, as quickly as possible in an emergency.

All health related data is seen as 'special category' or 'sensitive data' under the 2018 Data Protection Act which means that it is shared and processed with particular care. This applies to your data whether it is in electronic format or on paper.

When registering for NHS care, everyone receives a unique NHS Number and is registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data in the public interest.

The information we hold on you

Why we hold and process your data

We hold and process your personal data in order to provide you with direct care. Together with anonymised and pseudonymised patient data (in other words data that cannot be used to identify you) your personal data is also used to:

Improve the quality and standard of care that we and other organisations provide;

Evaluate existing services

Develop preventative treatment of illness and disease

Monitoring standards of patient safety

Act in the public interest as legally directed – for instance, in times of pandemic

You also have a choice over whether you wish to use your confidential data – i.e. data that CAN be traced back to you for purposes of:

Researching and developing new treatments

Planning future services in the locality

If you are content with this then you do not need to do anything. If you are not sure or wish to opt out, please see section on **Opting-Out of Research and Planning** below.

More sensitive information

The UK GDPR gives extra protection to more sensitive information known as ‘special category data’. Information concerning health and care falls into this category and needs to be treated with greater care. Data that relates to criminal offences is also considered particularly sensitive.

We process the following more sensitive data (including special category data):

- data concerning physical or mental health (for example, details about your appointments or diagnosis)
- data revealing racial or ethnic origin
- data concerning a person’s sex life
- data concerning a person’s sexual orientation
- genetic data (for example, details about a DNA sample taken from you as part of a genetic clinical service)
- biometric data (where used for identification purposes)
- data revealing religious or philosophical beliefs
- data revealing trade union membership
- data relating to criminal or suspected criminal offences

Who do we share information with?

As GPs, we cannot provide all your treatment ourselves, so we need to delegate this responsibility to others within the practice and with other organisations such as pharmacies or hospitals. This practice also pools resources with other primary care organisations in the area, including providing extended access services out of normal practice hours, or to provide other specialist clinics. Such services may be provided as part of our local Primary Care Network (PCN) or in conjunction with other PCNs.

As such, if your care requires treatment outside the practice, we will exchange with those providing such care and treatment whatever information may be necessary to provide you with safe, high-quality care. The practice also delivers services and treatment to our patients as part of, and in association with local primary care networks and beyond.

Once you have seen any outside care provider, they will normally send us details of the care they have provided you with, so that we can understand and support your health and treatment better and update your health care record.

The sharing of personal data, within the practice and with those other organisations involving the practice, such as Primary Care Networks (PCNs) as well as secondary care organisations and social prescribing organisations is assumed and is allowed by law (including the Data Protection Act 2018). However, we will gladly discuss this with you in more detail if you would like to know more. We keep a register of our Information Assets which also sets out a Record of Processing Activity. The majority of patient data processing and storage happens via our EMIS and EMIS Community patient record systems.

We have an overriding responsibility to do what is in your best interests under the 2018 Data Protection Act 'in performance of a public task' (see legal bases in the summary below). The Practice team (clinicians, administration and reception staff) only access the information they need to allow them to perform their function and fulfil their roles. A list of the types of organisation we share with is provided below. This summary also contains details of your rights in relation to your data under the Act and how to exercise them.

We do also share anonymised data across our Primary Care Network, NHS North East London, North East London Health and Care Partnership, The City and Hackney GP Confederation, and NHS England. This data is extracted by secure data extraction tools such as EMIS Enterprise and/or Apollo.

This practice does NOT share your data with insurance companies or solicitors, except by your specific instruction or consent.

Your data is NOT shared or sold for any marketing purpose.

In some circumstances we are legally obliged to share information. This includes:

- when required by NHS England to develop national IT and data services
- when registering births and deaths
- when reporting some infectious diseases
- when a court orders us to do so
- where a public inquiry requires the information

We will also share information if the public good outweighs your right to confidentiality. This could include:

- where a serious crime has been committed
- where there are serious risks to the public or staff
- to protect children or vulnerable adults

We may also process your information in order to de-identify it, so that it can be used for purposes beyond your individual care whilst maintaining your confidentiality. These purposes will include to comply with the law and for public interest reasons.

Safeguarding and the Caldicott Guardian

The practice is dedicated to safeguarding all its patients, including children and vulnerable adults. This means that information will be shared by the practice in their best interests. Such decisions are the ultimate responsibility of the practice's Caldicott Guardian. The Caldicott Guardian is the senior person - always a doctor and often a partner within a practice- responsible for protecting the confidentiality of people's health and care information. The duty to share data for the benefit of individuals can be more important as the duty to protect patient confidentiality, and actions taken as a result of safeguarding concerns will override data protection. The decision of the Caldicott Guardian is final and there is no appeal process.

Medical Audits and Medicines Management

The practice will conduct audits of its services and treatment as well as reviews of medicines prescribed to its patients. Reviews of patient data are necessary to allow us to monitor, test and update our services and prescribing to ensure that you receive the most appropriate and cost-effective treatments. These reviews may take the form of internal audits or those conducted by other commissioned healthcare organisations such as the local Medicine Management Team.

Automated Data Processing and Risk Stratification

Electronic tools of prediction, based upon algorithms and artificial intelligence are used within the NHS to determine a patient's future risks and treatment needs. Wherever we can, we want to prevent admissions to A&E and secondary care which would be otherwise necessary. Such preventative care may, for instance, use these tools to determine the risk and consequence of a future fall in an elderly patient.

Under the 2018 Data Protection Act, you do have the right to opt out of having your data processed in such automated ways. If you wish to opt out, please contact the practice

Research and Planning

The practice takes part in research that uses anonymised or pseudonymised data. This means that patient data cannot be traced back to individuals and is therefore no longer *personal data* under the 2018 Data Protection Act.

Anonymised or pseudonymised patient data held by the practice may also be used to evaluate present services that provide direct care or to plan future ones within the practice or across the local area.

Sometimes, the practice is contacted to ask whether its patients would consider taking part in research on a particular condition. In all such cases, where the data used would identify

individual patients, data can only be used where patients have given their consent and you will be contacted accordingly. Such research projects take place in secure research environments where data protection and data security keep patient data safe, but you have the right to choose not to have your personally identifiable data used in this way (see below).

What is our lawful basis for using information?

Personal information

Under the UK General Data Protection Regulation (UK GDPR), the lawful basis we rely on for using personal information is:

- (a) We have your consent - this must be freely given, specific, informed and unambiguous.
- (b) We have a contractual obligation - between a person and a service, such as a service user and privately funded care home.
- (c) We have a legal obligation - the law requires us to do this, for example where NHS England or the courts use their powers to require the data. See [this list](#) for the most likely laws that apply when using and sharing information in health and care.
- (e) We need it to perform a public task - a public body, such as an NHS organisation or Care Quality Commission (CQC) registered social care organisation, is required to undertake particular activities by law. See [this list](#) for the most likely laws that apply when using and sharing information in health and care.

More sensitive data

Under UK GDPR, the lawful basis we rely on for using information that is more sensitive (special category):

- (f) We need for a legal claim or the courts require it.
- (g) There is a substantial public interest (with a basis in law). See [this list](#) for the most likely laws that apply when using and sharing information in health and care.
- (h) To provide and manage health or social care (with a basis in law). See [this list](#) for the most likely laws that apply when using and sharing information in health and care.
- (i) To manage public health (with a basis in law). See [this list](#) for the most likely laws that apply when using and sharing information in health and care.

Common law duty of confidentiality

In our use of health and care information, we satisfy the common law duty of confidentiality because:

- you have provided us with your consent (we have taken it as implied to provide you with care, or you have given it explicitly for other uses)
- we have a legal requirement to collect, share and use the data
- for specific individual cases, we have assessed that the public interest to share the data overrides the public interest served by protecting the duty of confidentiality (for example sharing information with the police to support the detection or prevention of serious crime). This will always be considered on a case by case basis, with careful assessment of whether it is appropriate to share the particular information, balanced against the public interest in maintaining a confidential health service

How do we store your personal information?

How is your information stored?

The practice stores the main patient record via a contracted data processor in the cloud. The contracted processor for the practice is Egton Medical Information Systems (EMIS). They can be contacted via EMIS, Rawdon House, Green Lane, Yeadon, Leeds LS19 7BY.

How long is the information retained?

The medical record is retained at the patient's practice for the lifetime of the patient, after which it is presently sent to Primary Care Services England (PCSE), although the data stays on the local database. If you move to another practice your records will be transferred to that practice, although the data remains with the old practice whilst not being further updated. Your information is securely stored for the time periods specified in the [Records Management Code of Practice](#). We will then dispose of the information as recommended by the Records Management Code for example. We store paper records temporarily in locked offices whilst they are annotated to the clinical database, and they are then sent for confidential scanning and destruction.

What are your data protection rights?

The lawful basis page of the [ICO Guide to the UK GDPR](#) has a useful table that shows the varying rights that apply depending on the lawful basis.

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information (known as a [subject access request](#)).

Your right to rectification - You have the right to ask us to [rectify personal information](#) you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us if you wish to make a request.

Automated decision making

We do not use automated decision-making

Data Opt-Outs (The National Data Opt-out) and Your Right to Object.

You cannot opt-out of your data being shared for the purposes of providing you with direct care. You can exercise your right to object to a specific process involving your data. If you wish to do this for data processed at this practice then you must contact the practice's Data Protection Officer at itservicedesk.nelicb@nhs.net

You can opt-out from having your confidential data (i.e. data that can identify you) being used for purposes beyond direct care, such as research and planning. To do this, you can check or change your preferences at www.nhs.uk/your-nhs-data-matters and follow the instructions if you wish to opt out. This opt-out is recorded against your NHS number on the NHS 'spine'.

There are some situations where your data will be shared in addition to providing you with direct care. These include:

- Situations where data is needed in the "public interest", e.g in cases of epidemic where communicable diseases need to be diagnosed and the spread of their infection prevented or controlled;
- To monitor and deliver vaccination programmes
- To manage risks of infection from food or water supplies or the environment.

You can find out more about how your patient information is used at

<https://www.hra.nhs.uk/information-about-patients/> and

<https://understandingpatientdata.org.uk/what-you-need-know/>.

This practice is compliant with the national data opt-out policy.

How do I complain?

If you have any concerns about our use of your personal information, you can make a complaint to us at **[Insert your organisation's contact details for data protection queries]**.

Following this, if you are still unhappy with how we have used your data, you can then complain to the ICO.

The ICO's address is:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

Summary Data Controller	Lower Clapton Group Practice
Data Protection Officer (DPO)	itservicedesk.nelicb@nhs.net NHS NEL GP DPO DPO Name: NHS North East London ICB DPO Address: 4th Floor, Unex Tower, 5 Station Rd. London. E15 1DA Tel- 0800 917 8607.
Information Governance roles within the practice	Caldicott Guardian: Dr Nick Brewer IG Lead: Heggy (Helena) Wyatt

<p>Purpose of Processing your personal information</p>	<p>Direct Care delivered to an individual patient, much of which is provided in the surgery.</p> <p>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.</p> <p>The information that is shared is to enable the other healthcare and social care professionals to provide the most appropriate advice, investigations, treatments, therapies and or care.</p>
<p>Lawful Basis for Processing your personal information</p>	<p>According to the particular course of treatment, your 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. These will include:</p> <ul style="list-style-type: none"> • GPs • Hospitals • Primary Care Network • Local GP provider organisation • NHS Commissioning Support Units • Social Care Services Health and Social Care Information Centre (HSCIC) • Clinical Excellence Group • Community Pharmacists • District Nurses • Independent Contractors such as dentists, opticians, pharmacists • Private Sector Providers • Voluntary Sector Providers • Ambulance Trusts • London Integrated Care Systems • Clinical Commissioning Groups • Local Authorities • Education Services • Fire and Rescue Services • Police & Judicial Services • The Child Health Information Service • Substance Misuse Remote Workers • London Coroner’s Service • Wellbeing coaches • Care co-ordinators • Voluntary Sector Providers • Private Sector Providers • Social Prescribers • UKHSA for the reporting of infectious disease incidents or outbreaks

	<p>Many organisations across London share an aggregated summary view of your data, held in a secure Health Information Exchange and using a Local Health Care Exemplar format known as the One London patient record, in order to make quicker and better informed decisions in providing you with care.</p> <p>This practice is also part of a Neighbourhood Multi-Disciplinary Meeting team based upon the Hackney Marshes Neighbourhood designed to bring together a number of service providers to support patients who have problems accessing joined-up care.</p>
Your right to object	<p>You have the right to object to some or all of the information being processed, which is detailed under Article 21. Exercising your right to object may well prevent the referral or course of treatment from going ahead.</p> <p>Please contact the Data Protection Officer on Itservicedesk.nelicb@nhs.net</p> <p>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>
Your right to access and correction	<p>You have the right to access your data and to have any inaccuracies corrected.</p> <p>There is no right to have medical records deleted except when ordered by a court of Law.</p>
Your right of access	<p>You have the right to ask us for copies of your personal information (known as Subject Access Request, or SAR)</p>
How long do we hold your personal data for?	<p>We retain your personal data in line with both national guidance and law, which can be found here: https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/</p>
Your right to complain	<p>If you have a question or wish to complain about the use of your data, you should approach the Practice Manager or contact the Data Protection Officer at: Itservicedesk.nelicb@nhs.net</p> <p>The use of personal data is overseen by the Information Commissioners Office, often known as the ICO.</p> <p>If you wish to complain or raise a concern with the ICO, they can be contacted via their website: https://ico.org.uk/global/contact-us/</p> <p>Or you can also call their helpline: Tel: 0303 123 1113 (local rate) 01625 545 745 (national rate)</p> <p>Or you can write to them at: The ICO, Wycliffe House, Water Ln, Wilmslow SK9 5AF</p>

Date of last review

18/4/24