

## EMIS Health Ltd – EMIS Web – Privacy Notice

<p><b>1. Data Controller:</b></p>	<p><b>Canterbury Medical Practice</b>          Patrixbourne Rd, Bridge, Canterbury          CT4 5BL</p>
<p><b>2. Data Protection Officer:</b></p>	<p><b>Dr Mark Jones</b>          Contact via: <a href="mailto:ccccg.cmp@nhs.net">ccccg.cmp@nhs.net</a></p>
<p><b>3. How does this comply with the Common Law Duty of Confidentiality?</b></p> <ul style="list-style-type: none"> <li>• Consent             <ul style="list-style-type: none"> <li>○ Implied (e.g. direct care)</li> <li>○ Explicit (e.g. 2<sup>o</sup>uses)</li> </ul> </li> <li>• COPI Regulations 2002 (e.g. Reg 5 - “s251”)</li> <li>• “overriding public interest” (to safeguard you or another person)</li> <li>• legal obligation (e.g. court order)</li> </ul>	<p><b>Consent (implied)</b></p> <p>This means that it would be reasonable to infer that you agree to the use of the information as long as:</p> <ul style="list-style-type: none"> <li>• We are accessing the information to provide or support your direct care, or are satisfied that the person we are sharing the information with is accessing or receiving it for this purpose</li> <li>• Information is readily available to you, explaining how your information will be used and that you have the right to object</li> <li>• We have no reason to believe that you have objected</li> <li>• We are satisfied that anyone we disclose personal information to understands that we are giving it to them in confidence, which they must respect</li> </ul>
<p><b>4. Purpose of the processing and the lawful basis for the processing</b></p>	<p>To record all relevant information about our patients (the data subjects) within their GP electronic record          This is a <b>Direct Care</b> purpose          Special category of data (health)          Lawful bases:  <b>Article 6(1)(e) – Official Authority</b>  <i>‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i>   <b>Article 9(2)(h) – Provision of health</b>  <i>‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p>
<p><b>5. Is this:</b></p> <ul style="list-style-type: none"> <li>• Access to your GP record</li> <li>• Extraction of information from your GP record</li> <li>• Access to data held about you by another data controller</li> </ul>	<p>Access to the GP record</p>
<p><b>6. The recipient(s), or categories of recipients, of your personal data</b></p>	<p>All information about patients, both clinical and demographic, are recorded in their GP electronic record. That information is then available to others with a legitimate relationship to the patient (see multiple other privacy notices)</p>

	EMIS Health Ltd acts as the data processor for this, hosting the patient records database at their secure servers in Leeds.
<p><b>7. Retention period of the data (or criteria used to determine the retention period)</b></p>	<p>Standard NHS data retention policy:</p> <p><i>“GP records should be retained until 10 years after the patient’s death or after the patient has permanently left the country, unless they remain in the European Union.</i></p> <p><i>Electronic patient records must not be destroyed or deleted for the foreseeable future.”</i></p> <p><a href="https://www.nhs.uk/chq/Pages/1889.aspx?CategoryID=68">https://www.nhs.uk/chq/Pages/1889.aspx?CategoryID=68</a></p> <p><a href="https://digital.nhs.uk/media/1159/Retention-schedules-Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016/xls/RMCOP-retention-schedules">https://digital.nhs.uk/media/1159/Retention-schedules-Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016/xls/RMCOP-retention-schedules</a></p> <p><a href="https://digital.nhs.uk/media/1158/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016/pdf/Records-management-COP-HSC-2016">https://digital.nhs.uk/media/1158/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016/pdf/Records-management-COP-HSC-2016</a></p>
<p><b>8. The existence of each of your rights</b></p> <ul style="list-style-type: none"> <li>- <b>The right to object</b></li> <li>- <b>The right to access and correct</b></li> </ul>	<p>Article 6(1)(e) gives the data subject the right to object i.e 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.</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> <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>The source of the information shared in this way is your electronic GP record, and you have rights directly related to that (see EMIS Health – EMIS Web).</p> <p>The patient can express an objection to the storing of certain data within their record.</p> <ul style="list-style-type: none"> <li>- The right to rectification.</li> <li>- The right of access</li> </ul>
<p><b>9. The right to lodge a complaint with a supervisory authority</b></p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p>

	There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)
<i>The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences</i>	No
<i>Further information</i>	<p>This privacy notice covers the collection and recording of information within the patient GP electronic record.</p> <p>The majority of information recorded arises from consultations (face to face, telephone, email, etc.) with the patient.</p> <p>It includes data added to the record directly (typed), added electronically (e.g. results), as well as letters and other documents that are scanned, or photographs that are taken, and subsequently added to the record.</p> <p>CMP records such information in line with Article 5 of the GDPR:</p> <ul style="list-style-type: none"> <li>• <i>“adequate, relevant and limited to what is necessary”</i></li> <li>• <i>“accurate and, where necessary, kept up to date”</i></li> <li>• <i>“processed in a manner that ensures appropriate security of the personal data”</i></li> </ul> <p>Information is stored within our EMIS Web database, as hosted by EMIS Health Ltd (who are acting as the data processor). The database servers are located in Leeds.</p> <p>The <i>“right to erasure”</i> does <b>not</b> apply to the keeping of electronic GP records in this way as:</p> <ul style="list-style-type: none"> <li>• processing is necessary in the exercise of official authority Article 6(1)(e)</li> <li>• processing is necessary for the provision of health or social care Article 9(2)(h)</li> </ul> <p>Further information about GP records and confidentiality can be found on our website under Data Protection: <a href="http://www.canterburymedicalpractice.nhs.uk/">http://www.canterburymedicalpractice.nhs.uk/</a></p>