

Other disclosures to the Police – Privacy Notice

<p>1. Data Controller:</p>	<p>Canterbury Medical Practice Patrixbourne Rd, Bridge, Canterbury CT4 5BL</p>
<p>2. Data Protection Officer:</p>	<p>Dr Mark Jones Contact via: ccccg.cmp@nhs.net</p>
<p>3. How does this comply with the Common Law Duty of Confidentiality?</p> <ul style="list-style-type: none"> • Consent <ul style="list-style-type: none"> ○ Implied (e.g. direct care) ○ Explicit (e.g. 2^o uses) • COPI Regulations 2002 (e.g. Reg 5 - “s251”) • “overriding public interest” (to safeguard you or another person) • legal obligation (e.g. court order) 	<p>Consent (explicit)</p> <p>This means that we actively seek and record your agreement to the use or disclosure of your information, before any such processing takes place.</p> <p>Or</p> <p>Overriding public interest</p> <p>Where we can your data, without your consent, to save your life or that of others</p>
<p>4. Purpose of the processing and the lawful basis for the processing</p>	<p>Data disclosed is personal data. Under some circumstances, this might also include special category data</p> <p>Article 6(1)(c) – Legal Obligation <i>“processing is necessary for compliance with a legal obligation to which the controller is subject.”</i></p> <p>Article 9(2)(g) – Public Interest <i>“processing of data is necessary for reasons of substantial public interest which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject”</i></p>
<p>5. Is this:</p> <p>Access to your GP record</p> <ul style="list-style-type: none"> • Extraction of information from your GP record • Access to data held about you by another data controller 	<p>Extraction of information from the GP record</p>
<p>6. The recipient(s), or categories of recipients, of your personal data</p>	<p>The police (or other judicial authorities)</p>
<p>7. Retention period of the data (or criteria used to determine the retention period)</p>	<p>Data retained in line with police policies on storing identifiable data Data retained in line with police policies</p>
<p>8. The existence of each of your rights</p> <ul style="list-style-type: none"> - The right to object - The right to access and correct 	<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.</p>

	<p>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>9. The right to lodge a complaint with a supervisory authority</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>
<p><i>The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences</i></p>	<p>No</p>
<p><i>Further information</i></p>	<p>As with any disclosures to the police, there must be:</p> <ul style="list-style-type: none"> • a legal duty to disclose, or • a sufficiently important reason to disclose AND a legal basis for doing so <p>Permissive disclosures to the police can be made under:</p> <ul style="list-style-type: none"> • s29(3) of the DPA https://ico.org.uk/media/for-organisations/documents/1594/section-29.pdf • Police and Criminal Evidence Act 1984 • Crime and Disorder Act 1988 <p>Section 29 does not provide a duty to disclose information, nor does it override the requirements of the common law duty of confidentiality which must be met prior to disclosure being lawful – it does no more than relax the DPA requirements that need to be met.</p> <p>We will need to have your consent, or determine that in the absence of your consent, the disclosure would nonetheless be in the public interest “if the benefits to an individual or to society outweigh both the public and the patient's interest in keeping the information confidential”.</p>

Further information about GP records and confidentiality can be found on our website under Data Protection:

<http://www.canterburymedicalpractice.nhs.uk/>