

## Risk Stratification – Privacy Notice

### Summary:

#### The records we keep enable us to plan for your care.

This practice keeps data on you that we apply searches and algorithms to in order to identify from preventive interventions.

This means using only the data we hold or in certain circumstances linking that data to data held elsewhere by other organisations, and usually processed by organisations within or bound by contracts with the NHS.

If any processing of this data occurs outside the practice your identity will not be visible to the processors. Only this practice will be able to identify you and the results of any calculated factors, such as your risk of having a heart attack in the next 10 years or your risk of being admitted to hospital with a complication of chest disease

You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk. It is not lawful for this processing to be used for other ill-defined purposes, such as “health analytics”.

Despite this we have an overriding responsibility to do what is in your best interests. If we identify you as being at significant risk of having, for example a heart attack or stroke, we are justified in performing that processing.

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

<p><b>1. Data Controller:</b></p>	<p><b>Canterbury Medical Practice</b> Patricbourne 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>The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses i.e. Diabetes, heart disease, risk of falling). This is often called “risk stratification” or “case finding”. These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with other healthcare workers, such as specialist, therapists, technicians etc.</p> <p>The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.</p> <p>To enable healthcare professionals, authorised with an NHS smartcard, to view relevant information extracted from the GP record, limited to allergies and medication Upload of basic and detailed additional SCR data</p> <p>This is a <b>Direct Care</b> purpose Special category of data (health)</p> <p>Lawful bases: <b>Article 6(1)(e) – Official Authority</b> <i>‘...necessary for the performance of a task carried out in the exercise of official authority vested in the controller...’.</i></p> <p><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>We will recognise your rights under UK Law collectively known as the “Common Law Duty of Confidentiality” *</p>
<p><b>5. Is this:</b> <i>Access to your GP record</i></p> <ul style="list-style-type: none"> <li>• <i>Extraction of information from your GP record</i></li> <li>• <i>Access to data held about you by another data controller</i></li> </ul>	<p><i>Extraction of information from the GP record</i></p>
<p><b>6. The recipient(s), or categories of recipients, of your personal data</b></p>	<p>The data will be shared for processing with EKHUFT, KCHFT and for subsequent healthcare with Canterbury and Coastal CCG as required.</p>

<p><b>7. Retention period of the data (or criteria used to determine the retention period)</b></p>	<p>Data retained in line with NHS Digital policies on storing identifiable data</p> <p><a href="https://digital.nhs.uk/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information">https://digital.nhs.uk/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information</a></p> <p><a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-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>You have the right to object to this processing where it might result in a decision being made about you. That right may be based either on implied consent under the Common Law of Confidentiality, Article 22 of GDPR or as a condition of a Section 251 approval under the HSCA.</p> <p>It can apply to some or all of the information being shared with the recipients. Your right to object is in relation to your personal circumstances. Contact the Data Controller or the practice.</p> <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><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> <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>

*Further information*

More information about the Summary Care Record can be found via:

[www.nhsdatasharing.info](http://www.nhsdatasharing.info)

Whilst the right to object exists under Article 6(1)(e), there is already a straightforward mechanism available for patients to opt-out of this type of data sharing (see our booklet linked below).

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

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