

The Care Quality Commission (CQC) – Privacy Notice

<p>Summary: The Care Quality Commission (CQC) is an organisation established in English law by the Health and Social Care Act. The CQC is the regulator for English health and social care services to ensure that safe care is provided. They inspect and produce reports on all English general practices in a rolling 5 year program. The law allows CQC to access identifiable patient data as well as requiring this practice to share certain types of data with them in certain circumstances, for instance following a significant safety incident. For more information about the CQC see: http://www.cqc.org.uk/</p>	
<p>1. Data Controller:</p>	<p>Canterbury Medical Practice Patixbourne 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>Legal obligation</p> <p>This means that we are compelled by law to share your data in this way</p>
<p>4. Purpose of the processing and the lawful basis for the processing</p>	<p>To enable The CQC access to a patient’s medical records for the purposes of their assessment or investigation. To provide the Secretary of State and others with information and reports on the status, activity and performance of the NHS. The provide specific reporting functions on identified quality standards.</p> <p>Sensitive data (health) Lawful bases:</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)(h) – Provision of Health <i>“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></p>

<p>5. Is this: Access to your GP record</p> <ul style="list-style-type: none"> • <i>Extraction of information from your GP record</i> • <i>Access to data held about you by another data controller</i> 	<p>Extraction of information from the GP record and/or Access to the GP record</p>
<p>6. The recipient(s), or categories of recipients, of your personal data</p>	<p>The data will be shared with the Care Quality Commission, its officers and staff and members of the inspection teams that visit us from time to time.</p>
<p>7. Retention period of the data (or criteria used to determine the retention period)</p>	<p>If data provided to the CQC, then retained in line with CQC policies on storing identifiable data (see CQC Code of Practice)</p> <p>The data will be retained for active use during the processing and thereafter according to NHS Policies and the law.</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. 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>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>Further information</p>	<p>The Care Quality Commission (CQC) is the independent regulator of health care and adult social care services in England. CQC also protects the interests of people whose rights are restricted under the Mental Health Act.</p> <p>Under the Health and Social Care Act 2008, the CQC has the power to request access to a patient's medical records for the purposes of an investigation into, or assessment of, an</p>

organisation.

Requests for information should be proportionate and the minimum necessary.

Relevant legislation:

[The Health and Social Care Act 2008, s64](#)

CQC Code of practice on confidential personal information 2016

<http://www.cqc.org.uk/sites/default/files/20160906%20Code%20of%20practice%20on%20CPI%202016%20FINAL.pdf>

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

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