

# Privacy Information for Patients

This practice keeps electronic and paper data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare 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 healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by NHS Digital within NHS England. This is a national organisation which has legal responsibilities to collect NHS information.

'The surgery uses an I.T software called EMIS Web to store patient records. The software provider have notified the surgery that they will start storing EMIS Web data in a highly secure, third party cloud hosted environment, namely Amazon Web Services ("AWS"). They have informed that the data will remain in the UK at all times and will be fully encrypted both in transit and at rest. In doing this, there will be no change to the control of access to the data and the hosted service provider will not have any access to the decryption keys. They say that AWS is one of the world's largest cloud companies, already supporting numerous public sector clients (including the NHS), and it offers the very highest levels of security and support.'

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries. It is not possible for the GP to provide hands-on personal care for every patient, for this reason GPs share your care with others, predominantly within the surgery but also with outside organisations.

If your health needs require care from others elsewhere outside the practice, we will exchange with them whatever information about you that is necessary for them to provide that care. This also means that when you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. We can also receive equivalent reports of contacts you have with non-NHS health services.

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance administration staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments, the practice nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts whilst the GP you see or speak to will normally have access to everything in your record. You have the right to object to our sharing your data in these circumstances, but we have an overriding responsibility to do what is in your best interests. Please see below. We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

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<b>1)Data Controller</b>	Novum Health Partnership at Rushey Green Group Practice and Baring Road Medical Centre
<b>2)Data Protection Officer</b>	NELCSU – GP DPO Service Lead – Claire Clements . Email: <a href="mailto:Nelcsu.dpo@nhs.net">Nelcsu.dpo@nhs.net</a> . Tel: 03000 428 438
<b>3)Purpose of the processing</b>	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. 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. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, and therapies.
<b>4)Lawful basis for processing</b>	<p>The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p><i>Article 9(2)(h) ‘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 also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality” – please see below.</p>
<b>5)Recipient or categories of recipients of the processed data</b>	The 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 include NHS Trusts/Foundation Trusts (hospitals), other GPs, NHS Commissioning Support Units, independent contractors such as dentists, opticians or pharmacists, private sector health providers, voluntary health sector providers, ambulance trusts, clinical commissioning groups, social care services, Health & Social Care Information Centre (HSCIC), local authorities, education services, fire & rescue services, police and judicial services, authorised research institutions, and other data processors entities which you will be informed of.

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6)Rights to object	<p>You have the right to object to some or all the information being processed. Please contact the Data Controller Officer via the practice manager. 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. Whenever we seek your consent to share information, you will be asked to produce an explicit consent statement or a clear affirmative action, which will be logged in your records. We should be able to demonstrate that consent has been obtained any time we are using your consent as the basis for lawful. We should also facilitate withdrawal of consent, which is as easy to obtain as it is to give it.</p> <p>For children, parental consent is required for the processing of personal data. The default age is 13 years under the General Data Processing Regulations 2018. Under the Gillick competence principle, however, we can judge an under-age person to be competent to personally give or withdraw consent. Parental consent is not necessary in the context of preventative or counselling services offered directly to a child, or in some cases of at risk children.</p>
7)Right to access and correct	<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>
8)Retention period	<p>The data will be retained in line with the law and national guidance. Information is available at <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>You can also speak to the Data Protection Officer or the practice manager.</p>
9) Right to Complain.	<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>

\* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

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- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.