

OUSE VALLEY PRACTICE

Privacy Notice – NHS Digital

Updated 28/07/2020

NHS Digital is the safe haven* for NHS patient data, a single secure repository where data collected from all branches of the NHS is processed. NHS Digital provides reports on the performance of the NHS, statistical information, audits and patient outcomes (<https://digital.nhs.uk/data-and-information>). Examples include; A&E and outpatient waiting times, the numbers of staff in the NHS, percentage target achievements, payments to GPs etc and more specific targeted data collections and reports such as the Female Genital Mutilation, general practice appointments data and English National Diabetes Audits. GPs are required by the Health and Social Care Act to provide NHS Digital with information when instructed. This is a legal obligation which overrides any patient wishes. These instructions are called “Directions”.

More information on the directions placed on GPs can be found at <https://digital.nhs.uk/article/8059/NHS-England-Directions-> and www.nhsdatasharing.info

1) Data Controller contact details	Ouse Valley Practice, Dumbledore Primary Care Centre, London Road, Handcross, RH17 6HB
2) Data Protection Officer contact details	Trudy Slade (NHS South Central and West Commissioning Support Unit) - trudy.slade@nhs.net
3) Processing Purpose	To provide the Secretary of State and others with information and reports on the status, activity and performance of the NHS. These provide specific reporting functions on identified data. NHS Digital supplies information and data to the health service, provides vital technological infrastructure, and helps different parts of health and care work together.
4) Lawful basis for processing	<p>The legal basis will be</p> <p><i>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”</i></p> <p>And</p> <p><i>Article 9(2)(h) “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>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”**</p>
5) Recipient or categories of recipients of the shared data	The data will be shared with NHS Digital according to directions which can be found at https://digital.nhs.uk/article/8059/NHS-England-Directions-
6) Rights to object	You have the right to object to some or all of the information being

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	shared with NHS Digital. Contact the Data Controller.
7) Right to access and correct	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.
8) Retention period	The data will be retained for active use during the processing and thereafter according to NHS Policies and the law.
9) Right to Complain	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)/

* The BMA has serious concerns regarding the status of NHS Digital as a “safe haven” and is not confident it has acted as a secure repository for patient data. See (https://www.bma.org.uk/-/media/files/pdfs/collective%20voice/influence/uk%20governments/bma-submission-to-hoc-health-cttee-on-the-mou_final.pdf?la=en)

** “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:

- 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.