



## Policy Overview

### **The reasons for the Policy:**

- The practice uses SMS to send text messages to patients for a range of purposes including recall, care plans, patient information and delivering test results. This protocol outlines appropriate use of the service and how it is embedded in the running of the practice.
- All patients can expect that their personal information will not be disclosed without their permission (except in the most exceptional circumstances when disclosure is required when somebody is at grave risk of serious harm).
- The General Data Protection Regulation (GDPR) requires a clear direction on Policy for security of information within the Practice and communications outside of the Practice.
- The purpose of this procedure is to ensure a consistent approach to communicating with patients via SMS, especially if notifying patients of their test results or sensitive information.
- Not all patients possess a mobile telephone and, of those who do, not all patients will want to be contacted by text, notified by text of their results.

## Applicability

The policy applies to all Practice Employees and Partners, and also applies to other people who work at the Practice e.g. Locum GPs, Non-employed nursing staff and Temporary staff.

## Principles

- For previously recorded consent, it is useful to remind the patient at the time of their appointment that they have agreed to receive notification by SMS messaging.
- Both patient consent and contact information should be regularly reviewed to ensure it is up-to-date. Up-to-date consent is particularly relevant for young patients as they become capable to consent for themselves.
- The Practice must clearly explain to patients how the service will be used. If the Practice plans to extend the purpose of messaging services, it must ensure it informs those who have consented with the option to opt out.
- Messages should be carefully worded to exclude specific patient health information and the contents should be held as part of the patient's record along with an audit trail of number / date sent / delivery success.
- Avoid messaging landline numbers as there is a greater risk of third parties accessing it.
- Where patients are able to respond to an electronic message, there should be robust mechanisms in place to deal with these responses. The limitations of the system should be clear to patients, and in particular that they should not provide clinical information or ask for clinical advice via a message response.
- Always seek patient consent before sending out sensitive messages, ensure systems are robust to protect confidentiality and ensure patients can opt out easily should they change their mind.
- Messages will be clearly marked as being sent by *North Street Medical Care*.
- Under 16 year old patients will not be disadvantaged and will be appropriately assessed for capacity and consented, with updating of personal contact details if previously linked to parents records.
- The Practice staff will always obtain explicit consent from patients before including them in electronic messaging services for pathology results.

## **Information Governance**

### **Phone number confirmation**

To be confident that SMS messages are being received by the intended recipients, it is important that patient mobile numbers are kept up-to-date. The reception team should verify a patient's mobile number at any opportunity when speaking to a patient. Other members of the team should opportunistically update mobile numbers, for example confirming a mobile number before sending patient advice at the end of an appointment.

### **Data Processing**

Text messages should only be sent for the delivery and administration of health and care services. They must not be used for marketing third-party services, or any other reason that a patient would not reasonably expect.

accuRx Ltd are registered with the Information Commissioner's Office (reference ZA202115) and hold an up-to-date NHS Digital Information Governance Toolkit Level 2 (ODS code 8JT17).

### **GDPR**

In accordance with The General Data Protection Regulation (EU 2016/679):

Personal data is processed under the following legal basis for the purposes of direct care and the administration of health and care services:

*6(1)(e) '...for the performance of a task carried out in the public interest or in the exercise of official authority...'*

Personal data concerning health is processed under the following legal basis for the purposes of direct care and the administration of health and care services:

*9(2)(h) '...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...'*

Personal data concerning health is processed under the following legal basis for the purposes of public health:

*9(2)(j) '...necessary for reasons of public interest in the area of public health...or ensuring high standards of quality and safety of health care and of medicinal products or medical devices...'*

Further guidance on GDPR and the legal basis for data processing can be found at:

<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/information-governance-alliance-iga/general-data-protection-regulation-gdpr-guidance>

### **Opt-out**

'Consent' is not used as a legal basis for data processing, and therefore messages are sent on an 'opt-out' basis. If a patient informs the practice that they do not wish to receive SMS messages, a member of staff must update their 'Notification Preferences' in EMIS. Chain SMS will show any codes related to consent and dissent when sending a message.