

# PARK SURGERY

Partners: Dr H Matthews, Dr J Carter, Dr T Oyewole-Eletu, Dr S. Chakravati, Dr S Bailey



## Data Privacy Notice

Park Surgery has a legal duty to explain how we use any personal information we collect about you at the organisation. We collect records about your health and the treatment you receive in both electronic and paper format. Calls to and from the surgery may be recorded.

### Why do we have to provide this privacy notice?

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer Dr Jeremy Carter.

The main things the law says we must tell you about what we do with your personal data are:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold about you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

### Using your information

We will use your information so that we can check and review the quality of care we provide. This helps us improve our services to you.

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, your GP will share information when they refer you to a specialist in a hospital or your GP will send details about your prescription to your chosen pharmacy.
- There is agreed records sharing locally between Park Surgery, the Urgent Treatment centres at Herne Bay, Whitstable and Faversham, and Pilgrims Hospice, to improve communication with these key local organisations.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an

emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record.

- NHS England has been directed by the government to establish and operate the OpenSAFELY COVID-19 Service and the OpenSAFELY Data Analytics Service. These services provide a secure environment that supports research, clinical audit, service evaluation and health surveillance for COVID-19 and other purposes. Each GP practice remains the controller of its own GP patient data but is required to let approved users run queries on pseudonymised patient data. This means identifiers are removed and replaced with a pseudonym. Only approved users are allowed to run these queries, and they will not be able to access information that directly or indirectly identifies individuals. Patients who do not wish for their data to be used as part of this process can register type 1 opt out with their GP.

You have the right to object to information being shared for your own care. Please speak to this organisation if you wish to object. You also have the right to have any mistakes or errors corrected.

### **Registering for NHS care**

- All patients who receive NHS care are registered on a national database (NHS Spine). The Spine is held and maintained by NHS Digital, a national organisation which has legal responsibilities to collect NHS data.

### **Identifying patients who might be at risk of certain diseases**

- Your medical records may be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital. This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used. Information which identifies you will only be seen by this organisation.
- If you want further information please email the Practice Manager

### **Safeguarding**

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm. These circumstances are rare and we do not need your consent or agreement to do this.

### **Medical research**

- This organisation may be asked to share information to support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best.
- The use of information from GP medical records is very useful in developing new treatments and medicines; medical researchers use information from these records to help to answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.
- We share information with medical research organisations only with your explicit consent or when the law allows.
- You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the organisation if you wish to object.

### **Checking the quality of care – national clinical audits**

- This organisation contributes to national clinical audits so that healthcare can be checked and reviewed. Information from medical records can help doctors and other healthcare workers to measure and check the quality of care that is provided to you.
- The results of the checks or audits can show where organisations are doing well and where they need to improve. These results are also used to recommend improvements to patient care.
- Data is sent to NHS Digital, a national body with legal responsibilities to collect data.
- The data will include information about you, such as your NHS Number and date of birth, and information about your health which is recorded in coded form – for example the code for diabetes or high blood pressure.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website or phone 020 7997 7370.
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the organisation if you wish to object.

**We are required by law to provide you with the following information about how we handle your information:**

<b>Data</b>	Park Surgery
-------------	--------------

<b>Controller</b>	
<b>Data Protection Officer</b>	Dr Jeremy Carter
<b>Purpose</b> of the processing	<ul style="list-style-type: none"> <li>• To give direct health or social care to individual patients.</li> <li>• For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.</li> <li>• To check and review the quality of care. (This is called audit and clinical governance).</li> <li>• Medical research and to check the quality of care that is given to patients (this is called national clinical audit)</li> </ul>
<b>Lawful basis</b> for processing	<p>These purposes are supported under the following sections of the GDPR:</p> <p><b>Article 6(1)(e)</b> ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and</p> <p><b>Article 9(2)(h)</b> ‘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...’</p> <p>The following sections of the GDPR mean that we can use medical records for research and to check the quality of care (national clinical audits)</p> <p><b>Article 6(1)(e)</b> – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’.</p> <p>For medical research: there are two possible Article 9 conditions.</p> <p><b>Article 9(2)(a)</b> – ‘the data subject has given explicit consent...’</p> <p><b>Article 9(2)(j)</b> – ‘processing is necessary for... scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member</p>

	<p><i>States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’.</i></p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>
<b>Recipient or categories of recipients of the processed data</b>	<p>The data will be shared with:</p> <ul style="list-style-type: none"> <li>• Healthcare professionals and staff at this surgery</li> <li>• Local hospitals</li> <li>• Out of hours services</li> <li>• Diagnostic and treatment centres</li> <li>• Other organisations involved in the provision of direct care to individual patients</li> <li>• Pilgrims Hospices if you receive services from them</li> <li>• Urgent Treatment Centres in Herne Bay, Whitstable and Faversham when you seek care there</li> </ul> <p>For national clinical audits that check the quality of care, the data will be shared with NHS Digital.</p>
<b>Right to object and the national data opt-out</b>	<ul style="list-style-type: none"> <li>• You have the right to object to information being shared between those who are providing you with direct care. This may affect the care you receive – please speak to the practice.</li> <li>• You are not able to object to your name, address and other demographic information being sent to NHS Digital. This is necessary if you wish to be registered to receive NHS care.</li> <li>• You are not able to object when information is legitimately shared for safeguarding reasons. In appropriate circumstances, it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm. The information will be shared with the local safeguarding service - Kent County Council.</li> <li>• The national data opt-out model provides an easy way for you to opt-out of information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.</li> <li>• Please contact the practice if you wish to opt-out. Further information is available from NHS England.</li> </ul>
<b>Right to</b>	<ul style="list-style-type: none"> <li>• You have the right to access your medical record and have any</li> </ul>

<b>access and correct</b>	<p>errors or mistakes corrected. Please speak to a member of staff or look at our Access to Medical Records Policy on the organisation's website.</p> <ul style="list-style-type: none"> <li>• We are not aware of any circumstances in which you will have the right to delete correct information from your medical record although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</li> </ul>
<b>Retention period</b>	<ul style="list-style-type: none"> <li>• Records will be kept in line with the law and national guidance. Information about how long records are kept can be found in the Records Management Code of Practice.</li> </ul>
<b>Right to complain</b>	<ul style="list-style-type: none"> <li>• You have the right to complain to the Information Commissioner's Office. If you wish to complain, visit <a href="http://ico.org.uk">ico.org.uk</a> or call the helpline <b>0303 123 1113</b></li> </ul>
<b>Data we get from other organisations</b>	<ul style="list-style-type: none"> <li>• We receive information about your health from other organisations that are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happened. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.</li> </ul>