

Primary Care Doncaster

Patient Privacy Notice

A Privacy Notice is a statement made by Primary Care Doncaster Limited to patients, service users and members of the general public detailing the information we collect, use, retain and how we disclose the information that we hold. Primary Care Doncaster Limited pledge to ensure the information/data we hold is processed fairly and lawfully by abiding by the regulations set out in the General Data Protection Regulation (2016) and the Data Protection Act (2018)

How your information will be used:

Primary Care Doncaster Limited (PCD) needs to keep and process information about you in order to provide Healthcare services to you. This will enable us to ensure you receive the best possible care.

PCD takes the duty to protect your personal data and maintain your confidentiality very seriously. We pledge to ensure there are reasonable measures in place to protect the security of the personal data we are responsible for. This information/data could be held in computerised or paper formats.

The sort of information we hold includes:

- Basic personal details about you such as your name, address, date of birth, next of kin etc.
- Contacts we have had with you such as appointments or clinic visits.
- Notes and reports about your health, treatment, and care.
- Results of tests such as bloods, x-ray, and others.
- Relevant information from people who care for you and know you well, such as health professionals, relatives, and carers.

It is essential that you make us aware of any changes to your personal information when attending our services to ensure the records we hold for you are accurate and up-to-date.

Why is my information collected?

Your information is used to guide and record the care you receive and is important in helping PCD to:

- Have all the information necessary for assessing your needs and for making informed decisions with you about your care.
- Have details of our contact with you, such as referrals and appointments and to enable us to see other services you have received which is relevant to the care that we are providing.
- Can assess the quality of care we give you.
- Can properly investigate if you and your family have a concern or a complaint about the care you received.

Professionals involved in your care will also have accurate and up-to-date information and this accurate information about you is also available if you:

- Move to another area.
- Need to use another service.
- See a different healthcare professional.

Your information will also be used to help manage the NHS and protect the health of the public by being used to:

- Review the care we provide to ensure it is of the highest standard and quality.
- Protect the health of the general public.
- Ensure our services are meeting the needs of our patients.
- Investigate patient queries, complaints and any legal claims.
- Ensure the health care providers receive payment for the care you receive.
- Audit NHS accounts and services.
- Help train and educate healthcare professionals to enable us to drive continuous quality improvement within our services.
- Respond to SAR (Subject Access Requests).

For these purposes we use the minimum amount of information necessary.

Where we process special categories of information relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, biometric data or sexual orientation, we will always obtain your explicit consent to those activities unless this is not required by law, or the information is required to protect your health in an emergency.

For these purposes we use the minimum amount of information necessary.

What is the legal basis for processing my data?

Under the Data Protection Act, PCD's legal basis for processing your data is as follows:

For healthcare purposes:

- **Article 6(1)(e)** – public task: the processing is necessary to perform a task in the public interest for our official functions, which we have a clear basis in law.
- **Article 9(2)(h)** - processing is 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....'.

If in the future, we intend to process your personal data for a purpose other than that which it was collected we will provide you with information on that purpose and ask your explicit consent. PCD are committed to being open and transparent with our patients and members of the general public.

PCD as a Data Processor

PCD has a formal contractual agreement in place with GP practices as data controllers in the Doncaster area to process patient information for the purpose of Enhanced Access. The legal basis under which personal data is processed is GDPR **Article 6(1)(e)** – public task and **Article 9(2)(h)** – medical purposes.

PCD access personal data by request from the data controller(s) to enable PCD to ensure patient follow up and/or treatment requests reach the patients' registered practice in a timely fashion, minimising any clinical risk.

Personal data included:

Name
Date of Birth
NHS Number
Address
Contact
Details
Physical Health & Wellbeing
Mental Health & Wellbeing
Patients Registered GP
Practice Medical History

PCD and General Practices transfer all personal identifiable information via secure methods.

Who do you share my information with?

Everyone working within the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives information from us has a legal duty to keep it confidential. All PCD employees sign a Confidentiality Agreement upon appointment in post including volunteers.

There may however be circumstances when we must share information from your patient record with other agencies. In these rare circumstances we have a legal basis for sharing the information and we are not required to have your consent. Examples of this are:

- If there is a concern that you are putting yourself at risk of serious harm.
- If there is concern that you are putting another person at risk of serious harm.
- If there is concern that you are putting a child at risk of harm.
- If we have been instructed to do so by a Court.
- If the information is essential for the investigation of a serious crime.
- If you are subject to the Mental Health Act (1983), there are circumstances in which your 'nearest relative' must receive information even if you object.
- If your information falls within a category that needs to be notified for public health or other legal reasons, such as certain infectious diseases.

We will not disclose your information to any other third parties unless:

- We have your permission.
- We have an appropriate legal basis to do so.
- We have good reason to believe that failing to share the information will put you or someone else at risk of serious harm or abuse.
- We hold information that is essential to prevent, detect, investigate or punish a serious crime.

We would never share your personal information for marketing or insurance purposes.

We have a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing. This person is called the Caldicott Guardian. PCD also have a Senior Information Risk Owner (SIRO) who is responsible for owning the organisation's information risk. Both can be contacted directly.

Kayleigh Wastnage	SIRO	Kayleigh.wastnage@nhs.net
Andrew Oakford	Caldicott Guardian	pcdltd.pcdenquiries@nhs.net

We are registered with the Information Commissioner's Office (ICO) as a data controller which describes the purposes for which we process personal data. A copy of the registration is available from the ICO's website by searching on our name.

What are my legal rights?

PCD is committed to ensuring your rights are adhered to.

The right to be informed – of how your data will be used. This applies to both patient and staff data.

The right of access – to your personal data, and this is commonly referred to as a Subject Access Request. You or someone on your behalf can make a Subject Access Request verbally or in writing, and we have one month to respond to a request. This is a free service, although there are specified examples where a fee may be applicable, such as, where the request is 'manifestly unfounded' or 'excessive'; or if you request further copies of data following a request we may charge a reasonable fee covering our admin costs.

The right to rectification – you have the right to have inaccurate personal data rectified or completed.

The right to erasure – often referred to as the "right to be forgotten" and is not absolute. The right does not apply to special category data if processing is necessary for the provision of health or social care, or for the management of health or social care systems or services.

The right to restrict processing – to require organisations to restrict processing where:

- Accuracy is contested by the individual.
- Processing is unlawful and the subject opposes erasure.
- The organisation no longer needs the data, but the subject requires it to be kept for legal claims.
- The individual has objected, pending verification of legitimate grounds.

The right to data portability – you have the right to receive personal data in a ‘commonly used and machine-readable format’. This right is only available where the processing is based on consent and the processing is automated.

The right to object – to:

- Processing based on legitimate interests or the performance of a task in the public interest / exercise of official authority (including profiling); and
- Direct marketing (including profiling); and
- Processing for purposes of scientific/historical research and statistics.

Rights in relation to automated decision making and profiling – when making a decision solely by automated means without any human involvement this is known as automated individual decision- making; and any automated processing to evaluate certain things about you is known as profiling, although it can also be part the same process.

We can only carry out solely automated decision-making that has legal (or similarly significant) effects on you, where the decision is:

- Necessary for the entry into or performance of a contract; or
- Authorised by Union or Member state law applicable to the controller; or
- Based on your explicit consent.

and if so, we must ensure we give you information about the processing and introduce simple ways for you to request human intervention or challenge a decision.

All records held by the NHS are subject to, and kept in line with the retention periods in, the Records Management Code of Practice for Health and Social Care Act 2016. The Code sets out best practice guidance on how long we should keep your patient information before we are able to review and securely dispose of it.

Your right to opt out

The national data opt-out allows people to opt out of their confidential patient information being used for research and planning. It was introduced on 25 May 2018, providing a facility for individuals to opt-out from the use of their data for research or planning purposes. The national data opt-out replaces the previous ‘type 2’ opt-out, which required NHS Digital not to share a patient’s confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out has had it automatically converted to a national data opt-out from 25 May 2018 and has received a letter giving them more information and a leaflet explaining the new national data opt-out. If a patient wants to change their choice, they can use the new service to do this. You can find out more from by clicking here <https://www.nhs.uk/your-data-matters/>

Patients who have a type 1 opt-out

Some patients will have a type 1 opt-out registered with the practice. You can tell the practice if you do not want your confidential patient information held in your GP medical record to be used for purposes other than your individual care. This is commonly called a type 1 opt-out. This opt-out request can only be recorded by your GP practice.

If your wishes cannot be followed, you will be told the reasons (including the legal basis) for that decision. There are certain circumstances where a person is unable to opt out, but these are only where the law permits this such as in adult or children's safeguarding situations.

You have a right in law to refuse or withdraw previously granted consent to the use of your personal information. There are possible consequences of not sharing such as the effect this may have on your care and treatment, but these will be explained to you to help with making your decision.

If you wish to exercise your right to opt-out, or to speak to somebody to understand what impact this may have, if any, please contact us using the usual practice contact details.

You can find out more by clicking here <https://www.nhs.uk/using-the-nhs/about-the-nhs/opt-out-of-sharing-your-health-records/>

Change of Details

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

Mobile telephone number

If you provide us with your mobile phone number, we may use this to send you reminders about your appointments or other health screening information. Please let us know if you do not wish to receive reminders on your mobile.

Identity and Contact Details of Data Controller & Data Protection Officer

1. PCD is the data controller and processor of data for the purposes of the DPA and GDPR.
2. The Data Protection Officer for PCD is Clair Flynn. If you have any questions relating to how we process your data or GDPR rules in general, please contact her using the following details:

Clair Flynn Data Protection Officer

(NECS) North of England Commissioning
Support John Snow House
Durham University Science
Park Durham
DH1 3YG

Email: clair.flynn2@nhs.net
Web: www.necsu.nhs.uk

You have the right to lodge a complaint to the Information Commissioners' Office if you believe that we have not complied with the requirements of the GDPR or DPA 18 with regard

to your personal data.

Helpline - 0303 123 1113.

Review

This privacy notice will be reviewed annually or in line with changes in legislation.