

## Privacy Notice – Litigations & Claims

This Practice is legally obliged to investigate any litigation or claims brought against them, and this will require us to access, process and hold some your personal identifiable data. This may include your name, address, date of birth and medical condition and other data we may hold. The data this Practice will need to process will depend on the type of litigation or claim received.

This NHS Litigation Authority operates a scheme which this Practice pays an annual contribution for, and in return the NHS Litigation Authority supports the settlement of any clinical negligence claims the Practice receives.

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| <b>1) Data Controller</b> contact details                          | BALLATER SURGERY<br>108 Chislehurst Road<br>Orpington<br>BR6 0DP<br><br><a href="tel:01689826664">01689 826664</a><br><br>Practice Manager: Julia Morrison                                                                                                                                                                                                                                                                     |
| <b>2) Data Protection Officer</b> contact details                  | GP Data Protection Officer<br><br><a href="mailto:gpdpo@selondonics.nhs.uk">gpdpo@selondonics.nhs.uk</a>                                                                                                                                                                                                                                                                                                                       |
| <b>3) Purpose</b> of the processing                                | Legal Obligations of the Practice                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>4) The Lawfulness Conditions and Special Categories</b>         | The lawful justifications for the processing and possible sharing of this data under Data Protection Legislation are -<br><br>Article 6(1)(c) “the processing is necessary for compliance with any legal obligation to which the controller is subject”.<br><br>Article 9(f) “the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity” |
| <b>5) Recipient or categories of recipients</b> of the shared data | The data may be shared with organisations such as <ul style="list-style-type: none"><li>• Our solicitors or legal team</li><li>• The Court processing the claim.</li></ul>                                                                                                                                                                                                                                                     |

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|                                       | <ul style="list-style-type: none"><li>Any regulatory body who has a statutory basis for evidencing, overseeing, investigating, or substantiating litigation, a claim or national or professional standards such as the GMC, the Care Quality Commission and other bodies or the outcomes of such action.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>6) Rights to object</b>            | <p>You have the right under Article 21 of the GDPR to object to your personal information being processed. Please contact the Practice if you wish to object to the processing of your data. You should be aware that this is a right to raise an objection which is not the same as having an absolute right to have your wishes granted in every circumstance.</p> <p>Practice's process personal data under Article 6(1)(c) on a lawful and legitimate basis where the organisation is obliged under law to comply with</p> <ul style="list-style-type: none"><li>The UK General Data Protection Regulations (GDPR)</li><li>The Data Protection Act 2018</li><li>The Freedom of Information Act</li><li>The NHS Constitution</li><li>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</li></ul> <p>By complying with these laws, the Practice has compelling legitimate grounds for the processing which override the interests, rights and freedoms in the right to object.</p> |
| <b>7) Right to access and correct</b> | <p>You have the right to access any identifiable personal data that is being processed or shared and to have any inaccuracies corrected.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>8) Retention period</b>            | <p>The data will be retained for the period as specified in the national records retention schedule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>9) Right to Complain.</b>          | <p>You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/make-a-complaint/data-protection-complaints/">https://ico.org.uk/make-a-complaint/data-protection-complaints/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |