

## Privacy Notice for General Practice Patients

### How we use your personal information

This fair processing notice explains why your GP Practice – **Market Cross Surgery** collects information about you and how that information may be used.

Our health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help us to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure.

Records which this GP Practice hold about you may include the following information:

- Details about you, such as your address, contact details, date of birth, carer, legal representative, emergency contact details.
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays etc
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive.

Information held about you may be used to help protect the health of the public in general and to help us manage the NHS. Information may be used within the GP practice for clinical audit to monitor the quality of the services provided.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose.

### **Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by NHS Trusts and is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on *preventing* ill health and not just the treatment of sickness. Please note that you have the right to opt out of your data being used in this way.

### **Medicines Management**

The Practice conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided to practices within South West Lincolnshire by the South West Lincolnshire Clinical Commissioning Group (SWLCCG).

### **How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the General Data Protection Regulation 2018, (GDPR), Data Protection Act 1998, Human Rights Act 1998, Common Law Duty of Confidentiality, Health and Social Care Act 2012, NHS Codes of Confidentiality, Information Security and Records Management.

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the new information sharing principle following Dame Fiona Caldicott's information sharing review (Information to share or not to share) where "The duty to share information can be as important as the duty to protect patient confidentiality." This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

## Who are our partner organisations?

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations:

- NHS Trusts / Foundation Trusts
- GP's
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers e.g. Carer's organisations
- Voluntary Sector Providers e.g. Macmillan
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Health and Social Care Information Centre (HSCIC)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Other 'data processors' which you will be informed of

You will be informed who your data will be shared with and in some cases asked for explicit consent for this happen when this is required.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

## Access to personal information

You have a right under the General Data Protection Regulation 2018 to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate.

In order to request this, you need to do the following:

- Your request must be made in writing to the Practice, on the Subject Access Request (SAR) form, available from our Reception or on our website [www.marketcrosssurgery.co.uk](http://www.marketcrosssurgery.co.uk) providing us with your full name, address, date of birth, NHS number and details of your request, so that your identity can be verified and your records located. You will be asked for evidence of your identity when you visit the practice to view this information.
- We are required to respond to you within 28 days (unless we are in receipt of a number of requests for access to personal information) in which case we will inform you.

## Objections / Complaints

Should you have any concerns about how your information is managed at our Practice, please contact our Practice Manager. If you are still unhappy following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) via their website [www.ico.org.uk](http://www.ico.org.uk)

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

## 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 such as date of birth are incorrect in order for this to be amended. You have a responsibility to inform us of any changes to your personal data so that our records are accurate and up to date for you.

## Notification

The Data Protection Act 2018 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information. This information is publicly available on the Information Commissioners Office (ICO) website [www.ico.org.uk](http://www.ico.org.uk)

Market Cross Surgery is registered with the ICO.

## Who is the Data Controller?

The Data Controller, responsible for keeping your information secure and confidential is Market Cross Surgery

## Who is the Data Protection Officer (DPO)?

The Data Protection Officer for Market Cross Surgery is Dr J B Elder

You have the right to object to our sharing your data, but we have an over-riding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations (GDPR) to provide you with the information in the following 9 subsections.

<b>Controller</b> contact details	Market Cross Surgery Bourne Road, Corby Glen, Lincolnshire, NG33 4BB
<b>2) Data Protection Officer</b> contact details	Dr John B Elder Address as above Tel: 01476 550056
<b>3) Purpose</b> of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
<b>4) Lawful basis</b> for processing	The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:  <i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i>  <i>Article 9(2)(h) '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...'</i>  We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"***
<b>5) Recipient or categories of recipients</b> of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care
<b>6) Rights to object</b>	You have the right to object to some or all the information being processed under Article 21. Please contact the Practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.
<b>7) Right to access and correct</b>	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) <b>Retention period</b>	The data will be retained in line with the current law and national guidance. <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a> or contact the Practice
9) <b>Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner’s Office (ICO) if you feel your data is not being used appropriately.</p> <p>You can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or by calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are also National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

\*\* “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