

Freshwell Health Centre

PRACTICE PRIVACY NOTICE FOR PATIENTS

(Created May 2018)

What is a Privacy Notice?

This privacy notice explains why we, as a practice, collect information about our patients and how we use that information.

Providing a 'Privacy Notice' is a way of stating the Practice's commitment to being transparent and is a part of fair processing. It includes information on:

- What information are we collecting?
- Who collects the data?
- How is it collected?
- Why do we collect it?
- How will we use the data?
- Who will we share it with?
- What is the effect on the individuals?
- Your rights as an individual to object or complain?

Principles

The principles of data protection are broadly the same under the old Data Protection Act 1998 (DPA) and the new General Data Processing Regulation (GDPR). The practice must process personal data in a fair and lawful manner. In practice, this means that the Practice must;

- have legitimate reasons for the use or collection of personal data
- not use the data in a way that may cause adverse effects on the individuals (e.g. improper sharing of their information with 3rd parties)
- be transparent about how you the data will be used, and give appropriate privacy notices when collecting personal data
- handle personal data only as reasonably expected to do so
- make no unlawful use of the collected data

Data Controller and Data Officer

Under GDPR, the Data Controller is the person who has responsibility for ensuring that the data we collect, process and share is handled lawfully. Our Data Controller is Dr Richard Meakin.

Under GDPR, the Data Officer is an expert who can provide guidance and support for organisations. This practice is part of Mid Essex Clinical Commissioning Group and the Data Officer is an employee of that group.

Notification

Organisations that store or process personal data have to register 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 website www.ico.org.uk. The practice is registered with the Information Commissioners Office (ICO).

What Information do we Collect and How is it Stored?

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received (e.g. NHS Hospital Trust, GP Surgery, Out of Hours Services, etc). These records help to provide you with the best possible healthcare. NHS health records may be processed electronically, on paper or a mixture of both; a combination of working practices and technology are used to ensure that your information is kept confidential and secure. Records held by this GP practice may include the following information:

- Details about you, such as date of birth, address and next of kin
- Any contact the practice has had with you, including appointments (emergency or scheduled), clinic visits, etc.
- Notes and reports about your health
- Details about treatment and care received
- Results of investigations, such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you
- Administrative information such as complaints, letters explaining that you have moved out of our area etc.
- Recordings of phone calls and Images from our CCTV

Why do we Store Personal Data?

The practice collects and holds data for the purpose of providing effective healthcare services to our patients in a safe environment.

Fair Processing

The practice manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in England such as the Department of Health, The British Medical Association and the General Medical Council. Fair Processing means that the Practice has to be clear and open with people about how their information is used.

Every staff member who works for an NHS organisation has a legal obligation to maintain the **confidentiality** of patient information. All of our staff and contractors receive appropriate and regular training to ensure they are aware of their personal responsibilities and have legal and contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and is strictly on a need-to-know basis. We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others 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), or where the law requires information to be passed on.

Sometimes the Practice **shares information** with external organisations. These include:

- NHS Trusts
- Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers including Community Services Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups

- Social Care Services and Local Authorities
- Education Services, Police and Fire and Rescue Services
- Other 'data processors' such as IT support, producers of Clinical Software

We can **disclose** personal information if:

- a) It is required by law
- b) You provide consent – either implicitly or for the sake of their own care, or explicitly for other purposes
- c) It is justified to be in the public interest

Some information will be shared centrally and used for **statistical purposes** (eg to review the uptake and effectiveness of a screening program). We take strict and secure measures to ensure that the minimal data is shared for the purpose.

If a patient has had NHS treatment, their personal information may be shared within a secure and confidential environment for **invoicing purposes**. This means sharing identifiable information such as name, address, date of treatment etc. to enable the billing process.

If you provide us with your **mobile phone** number we may use this to send you reminders about any appointments or other health screening information being carried out.

Our **website** uses cookies to optimise your experience.

Phone calls and CCTV images are recorded for **training and security** purposes.

Risk stratification is a process used for identifying and managing patients who are at high risk of requiring emergency or urgent care. Information may be used for **clinical audit** purposes to monitor the quality of service provided. These processes enable your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services. Typically this is because patients have a long term condition such as COPD, cancer or other medical condition at risk of sudden worsening.

The practice is active for **Clinical Research**. Sometimes your information may be used for assessing your suitability for inviting you to be involved in clinical research studies. The practice will always gain your consent before releasing your personal information.

Keeping Data up to Date

We have a duty to keep personal data as up to date as is possible. 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 is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

Proactive Planning and Privacy Impact Assessments

It is important that security of data and ensuring that we work in a safe and legal way is part of the planning process in any new projects or developments. The practice will carry out an Impact Assessment when changing the way we work to ensure the safety of your personal data.

Retaining Data

Under GDPR data should not be stored for longer than is necessary. The practice has a policy for the retention period of the different types of data it stores.

Access to Personal Information

The GDPR gives patients the right to view any information held about them – the ‘Subject Access Right’ (SAR). This does not have to be in writing but we will need to check your identity to make sure you are the person who is entitled to see the data. There is no longer a charge for SARs. Other than in exceptional circumstances, SARs should be completed within one month.

Right to Opt out of Data Sharing, to have Inaccuracies Corrected and to have Data Moved.

You can object to your personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

Should you have any concerns about how your information is managed, or wish to opt out of any data collection at the practice, please contact the practice, or your healthcare professional to discuss how the disclosure of your personal information can be limited.

Patients have the right to change their minds and reverse a previous decision. Please contact the practice, if you change your mind regarding any previous choice.

When the practice is about to participate in any new data-sharing scheme we will make patients aware by displaying prominent notices in the surgery and on our website at least four weeks before the scheme is due to start. We will also explain clearly what you have to do to ‘opt-out’ of each new scheme.

Patients have a right to have any inaccuracies in their data deleted and corrected.

Patients have the right to move their data to another data controller (eg another GP Practice)

Right to Complain and Reporting of Breaches

Patients have a right to complain if they are not happy with the way their data is managed. Please contact a member of the management team if you would like any more information or to make a complaint.

We have a duty to record any minor breaches of confidentiality and report any serious breaches to the ICO within 72 hours.

Sending Information Outside of the EU

There are strict regulations about what data can be sent outside of the EU. If you are planning to emigrate outside of the EU you may want to consider making a request for a copy of your medical records before you leave.

Further information

The Information Commissioner’s Office is the Regulator and offers independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the www.ico.org.uk