

# ROTHWELL & DESBOROUGH HEALTHCARE GROUP COMMISSIONING, PLANNING, RISK STRATIFICATION, PATIENT IDENTIFICATION PRIVACY NOTICE

This practice keeps data on you that we apply to searches and algorithms in order to identify you from preventive interventions. This enables us to plan for your care.

Various risk stratification data tools are 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 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. If necessary your GP may be able to offer you additional services.

You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk. It is not lawful for this processing to be used for other ill-defined purposes, such as "health analytics".

Despite this we have an overriding responsibility to do what is in your best interests. If we identify you as being at significant risk of having, for example a heart attack or stroke, we are justified in performing that processing.

<b>1) Data Controller</b> contact details	The Partners Desborough Surgery 35 High Street Desborough Kettering Northamptonshire NN14 2NB
<b>2) Data Protection Officer</b> contact details	Dr Anand Pattar Desborough Surgery 35 High Street Desborough Kettering Northamptonshire NN14 2NB
<b>3) Purpose</b> of the processing	The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses. Your records may be amongst those searched. This is often called "risk stratification" or "case finding". These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with 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.

4) <b>Lawful basis for processing</b>	<p>The lawful basis for this processing is</p> <p><b>Article 6(1)(e);</b> “necessary... in the exercise of official authority vested in the controller’</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>We will recognise your rights under UK Law collectively known as the “Common Law Duty of Confidentiality”*</p>
5) <b>Recipient or categories of recipients of the processed data</b>	<p>The data will be shared for processing with TCR Nottingham Ltd, NEL CSU and for subsequent healthcare with 3Sixty Federation, Nene Clinical Commissioning Group and NHS England</p>
6) <b>Rights to object</b>	<p>You have the right to object to this processing where it might result in a decision being made about you. That right may be based either on implied consent under the Common Law of Confidentiality, Article 22 of GDPR or as a condition of a Section 251 approval under the HSCA. It can apply to some or all of the information being shared with the recipients. Your right to object is in relation to your personal circumstances. Contact the Data Controller at the practice.</p>
7) <b>Right to access and correct</b>	<p>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.</p>
8) <b>Retention period</b>	<p>The data will be retained in line with the 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></p>
9) <b>Right to Complain.</b>	<p>You have the right to complain to the Information Commissioners Office (responsible for governing Data Protection compliance) –</p> <p>Wycliffe House,  Water Lane,  Wilmslow,  Cheshire,  SK9 5AF</p> <p>Tel 01625 545745 or <a href="http://www.ico.org.uk/">www.ico.org.uk/</a></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.