

ROTHWELL & DESBOROUGH HEALTHCARE GROUP PATIENT PRIVACY NOTICE

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PATIENT PRIVACY NOTICE

This Privacy Notice explains why the GP practice collects information about you and how that information may be used.

Why does the practice process personal data?

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 are used to help to provide you with the best possible healthcare.

Registering for NHS care

All patients who receive NHS care are registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect this information.

What information does the practice collect?

NHS health care 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 this GP Practice hold about you may include the following information;

- who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen and by who
- referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as any comments
- aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.

Who has access to patient data?

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries. On average an NHS GP has between 1,500 to 2,500 registered patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances, for this reason GPs share your care with others, predominantly within the surgery but occasionally with outside organisations.

If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.

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:

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- NHS Trusts / Foundation Trusts
- GP's
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- 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

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

Emergency Care

There are occasions when intervention is necessary in order to save or protect a patient's life or to prevent them from serious immediate harm, for instance during a collapse or diabetic coma or serious injury or accident. In many of these circumstances the patient may be unconscious or too ill to communicate. In these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other emergency healthcare services, the police or fire brigade, so that you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extend of care they will receive should they fall ill in the future, these are known as "Advance Directives". If lodged in your records these will normally be honoured despite the observations in the first paragraph.

Information used beyond your individual care

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations.

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Confidential patient information about your health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:
<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and

<https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can also visit our website to view a BSL video and further information at:
<https://www.rdhg.co.uk/patient-record>

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Our organisation is currently compliant with the national data opt-out policy.

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How does the practice keep your information confidential, safe and secure?

The practice takes the security of your data seriously. Internal policies and controls are in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

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. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 1998
- General Data Protection Regulation 2018
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015

How long does the practice keep data?

The practice will manage patient records in line with the Records Management NHS Code of Practice for Health and Social Care which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

Access to your information

Under the new General Data Protection Regulation (GDPR) May 2018 everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data.

If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld. If you wish to have a copy of the information we hold about you, please contact the Practice Manager.

Change of Details

It is important that you tell us or any 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.

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Mobile Numbers & Email Addresses

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.

If you provide us with your email address, we may use this to send you reminders to make an appointment, to send health questionnaires or newsletter about services or changes happening within the practice. Please let us know if you do not wish to receive correspondence by email.

Notification

Rothwell & Desborough Healthcare Group is registered with the Information Commissioners Office (ICO) to describe the purposes for which they process personal and sensitive information.

We are a registered Data Controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what we cover/register of data controllers](http://ico.org.uk/what-we-cover/register-of-data-controllers).

Complaints

If you have concerns or are unhappy about any of our services, please contact the Practice Manager.

For independent advice about data protection, privacy and data-sharing issues, you can contact: The Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF - Phone: 0303 123 1113 Website: www.ico.gov.uk.

Further Information

Further information about the way in which the NHS uses personal information and your rights in that respect can be found here: <https://www.england.nhs.uk/contact-us/privacy/privacy-notice/your-information/>

The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under the Data Protection Act 1998. <http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programmes available to you, confidentiality, information and your right to complain if things go wrong. <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

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NHS Digital

NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.

<https://digital.nhs.uk/>

Reviews of and Changes to our Fair Processing Notice

We will keep our Fair Processing Notice under regular review. This notice was last reviewed in April 2018 following the upcoming GDPR implementation in May 2018.

<p>1) Data Controller contact details</p>	<p>The Partners Desborough Surgery 35 High Street Desborough Kettering Northamptonshire NN14 2NB</p>
<p>2) Data Protection Officer contact details</p>	<p>Dr Anand Pattar Desborough Surgery 35 High Street Desborough Kettering Northamptonshire NN14 2NB</p>
<p>3) Purpose of the processing</p>	<p>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.</p> <p>Doctors have a professional responsibility to share data in emergencies to protect their patients or other persons. Often in emergency situations the patient is unable to provide consent.</p>
<p>4) Lawful basis for processing</p>	<p>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:</p> <p><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></p> <p><i>Article 6(1)(d) "processing is necessary to protect the vital interests of</i></p>

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	<p><i>the data subject or of another natural person”</i></p> <p><i>Article 9(2)(c) “processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent”</i></p> <p><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></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5) Recipient or categories of recipients of the processed data</p>	<p>The data will be shared with Health and care professional, support and emergency staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.</p> <p>You also have the right to have an “Advance Directive” placed in your records and brought to the attention of relevant healthcare workers or staff.</p>
<p>6) Rights to object</p>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or 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. For more information on your opt-out choices visit https://digital.nhs.uk/services/national-data-opt-out</p>
<p>7) Right to access and correct</p>	<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>
<p>8) Retention period</p>	<p>The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</p>
<p>9) Right to Complain.</p>	<p>If you have any complaints you should first discuss this with the Practice.</p> <p>All complaints will be acknowledged within three working days and a full response will be provided within 21 working days. If a complaint is made verbally to the practice, this will be documented and you will be asked to confirm in writing that you agree with what has been recorded.</p> <p>If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure.</p> <p>Further information about the NHS Complaints Procedure is available on the NHS Choices website.</p>

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	<p>Alternatively you can contact 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 www.ico.org.uk/</p>
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* “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.