



# IRNHAM LODGE SURGERY

## PRACTICE FAIR PROCESSING AND PRIVACY NOTICE

### Your information, your rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how your GP practice will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research;
- Participation in national screening programmes;
- Sharing of information to meet legal requirements; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

### Key Contacts

<b>Data Controller</b>	Irnham Lodge Surgery Townsend Road Minehead Somerset TA24 5RG Tel: 01643 703289 Email: <a href="mailto:irnham.lodge@nhs.net">irnham.lodge@nhs.net</a>
<b>Data Protection Officer</b>	Data Protection Officer (DPO) Somerset Primary Healthcare Ltd c/o Somerset Local Medical Committee Crown Medical Centre Venture Way Taunton Somerset TA2 8QY Email: <a href="mailto:sphadmin@nhs.net">sphadmin@nhs.net</a> Tel: 07545 071 775

**Data Controller** – As your registered GP practice, we are the data controller for any personal data that we hold about you.

**Data Protection Office (DPO)** – Our independent DPO ensures our compliance with the General Data Protection Regulation. They maintain their own ‘expert’ knowledge of data protection and act as our main contact with the Information Commissioners Office (ICO).

### **What information do we collect and use?**

All personal data must be processed fairly and lawfully, whether it is received directly from you or from a third party in relation to your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- ‘Personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to, name, date of birth, full postcode, address, next of kin and NHS number; and
- ‘Special category’ (sensitive data) such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

### **Why do we collect this information?**

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this, we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;

- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

### **How is the information collected?**

Your information will be collected either electronically using secure NHS Mail or a secure electronic transfer over an NHS encrypted network connection. In addition, physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

### **Who will we share your information with?**

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Healthcare professionals and staff in this surgery;
- Other GP practices;
- NHS hospital trusts including Taunton & Somerset NHS Foundation Trust, Nuffield Hospital Taunton and any other relevant hospitals;
- Somerset Referral Management Centre;
- 111 and Out of Hours service;
- Somerset social services;
- Somerset Partnership who deliver community services including community hospitals and district nursing services;
- Primary Care Support England (PCSE) who manage the transfer of medical records on behalf of NHS England;
- Somerset Clinical Commissioning Group;
- Somerset County Council who deliver public health services;
- Public Health England and other public health protection teams;
- Child health services;
- NHS England;
- West Somerset Coroner;
- The Care Quality Commission (CQC);
- NHS Digital and NHS partner research organisations for national clinical audit;
- The courts and other public bodies, if ordered;
- Voluntary support organisations commissioned to provide services including the West Somerset Living Better project.

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care. In addition to the information which you may provide us with, we receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to-date when you receive care from other parts of the health service.

In addition, we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve care.

### **Legal Basis for Data Processing**

Your information will only be processed if it is appropriate for the provision of direct care, to improve health care services offered or delivered and/or to meet our lawful function and legal obligations under the General Data Protection Regulations (GDPR) where data processing is necessary for:

*Article 6(1)(c) – ‘... for compliance with a legal obligation to which the controller is subject...’ and/or*

*Article 6(1)(e) – ‘... the performance of a task carried out in the public interest or in the exercise of official authority...’; and/or*

*Article 9(2)(h) – ‘... 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 treatment or the management of health or social care systems and services...’ and/or*

*Article 9(2)(j) – ‘... processing is necessary for ... scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’*

In order to comply with its legal obligations, this practice may send data to NHS Digital when directed by the Secretary of State for Health under the Health & Social Care Act 2012. This practice contributes to national clinical audits and will send the data as required by NHS Digital when the law allows.

Organisations and employees will also respect and comply with their obligations under the common law duty of confidence.

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

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

### **Data Retention**

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016. Information on how long records are kept can be found at:

<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

### **Consent and Objections**

#### ***Do I need to give my consent?***

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps build trust. However, consent is only one lawful basis for processing information. Therefore, your GP practice may not need to seek your explicit consent for every instance of processing and sharing of your information, on the condition that the processing is carried out in accordance with this notice. Irnham Lodge Surgery will contact you if required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

#### ***What will happen if I withhold my consent or raise an objection?***

You have the right to withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact Irnham Lodge Surgery for further information and to raise your objection.

### **Health Risk Screening & Risk Stratification**

Health risk screening or risk stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information, such as age, gender, NHS number,

diagnosis, existing long term conditions, medication history, patterns of hospital attendance, admissions and periods of access to community care, your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise, risk stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

Your GP will use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited risk stratification provider. The risk stratification contracts are arranged by Somerset Clinical Commissioning Group in accordance with the current Section 251 Agreement. Neither the CSU or CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the practice. This may result in contact being made with you if alterations to the provision of your care are identified.

As mentioned above, you have the right to object to your information being used in this way. However, you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

### **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our medical record system EMIS Web, and other local electronic systems such as Adastra and Eclipse, enables your record to be shared with organisations involved in your direct care, such as:

- GP practices;
- Community services such as district nurses, rehabilitation services, telehealth;
- NHS 111 and out of hours services;

- Child health services;
- Urgent care organisations, minor injury units, A&E units;
- Community hospitals;
- Palliative care services;
- Mental health trusts;
- Hospitals; and
- Pharmacies.

In addition, NHS England has implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will automatically be set up to be shared with the organisations listed above however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

### **Invoice Validation**

If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the payment. These details are held in a secure environment and kept confidential. This information is only used to validate payments in accordance with the current Section 251 Agreement, and will not be shared for any further purposes.

### **Your rights of access to your records**

The Data Protection Act and General Data Protection Regulations allow you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the "right of subject access". If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information.

This can be your GP or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this is in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record, please submit your request in writing to:

The Practice Manager, Irnham Lodge Surgery, Townsend Road, Minehead, Somerset, TA24 5RG or email [irnham.lodge@nhs.net](mailto:irnham.lodge@nhs.net)

## **Complaints**

In the event that you feel we have not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance in writing to the Practice Manager at:

Irnham Lodge Surgery, Townsend Road, Minehead, Somerset, TA24 5RG or email [irnham.lodge@nhs.net](mailto:irnham.lodge@nhs.net)

If you remain dissatisfied with our response, you can contact the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) helpline 0303 123 1113.