

Sheen Surgery **Sheen Lane Health Centre**

Data Protection Privacy Notice for Patients

Introduction

For the purpose of applicable data protection legislation including the General Data Protection Regulation (EU 2016/679) and the Data Protection Act 2018, the GP practice responsible for your personal data is Sheen Surgery.

We, Sheen Surgery, will be known as the 'Controller' of the personal data you provide to us.

Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

This Privacy Notice applies to personal information processed by or on behalf of the Practice. It applies to the personal data of our patients and to the data you have given us about your carers/family members. It covers the following topics:

- Why do we need your data?
- What data do we collect about you?
- What is the legal basis for using your data?
- How do we store your data?
- How do we maintain the confidentiality of your data?
- How long do we keep your data?
- What are your data protection rights?
- Who do we share your data with?
- Are there other projects where your data may be shared?
- When is your consent not required?
- How can you access or change your data?
- What should you do if your personal information changes?
- Changes to our privacy policy
- Our Data Protection Officer
- How to contact the appropriate authorities

Why do we need your data?

As your General Practice, we need to know your personal, sensitive and confidential data in order to provide you with appropriate healthcare services. Your records are used to facilitate the care you receive, and to ensure you receive the best possible healthcare.

Information may be used within the GP practice for clinical audit, to monitor the quality of the service provided.

What data do we collect about you?

Personal data: We collect basic personal data about you which does not include any special types of information or location-based information. This includes your name, postal address and contact details such as email address and telephone number.

By providing the Practice with your contact details, you are agreeing to the Practice using those channels to communicate with you about your healthcare, i.e. by letter (postal address), by voice-mail or voice-message (telephone or mobile number), by text message (mobile number) or by email (email address). If you are unhappy or have a concern about our using any of the above channels, please let us know.

Special Category personal data: We also collect confidential data linked to your healthcare which is known as "special category personal data", in the form of health information, religious belief (if required in a healthcare context) ethnicity and gender. This is obtained during the services we provide to you and through other health providers or third parties who have provided you with treatment or care, e.g. NHS Trusts, other GP surgeries, Walkin clinics etc.

Records which the Practice holds about you may include the following information:

- Details about you, such as your address, carer, legal representative, emergency contact details
- Any contact the Practice 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

NHS records may be electronic, on paper, or a mixture of both.

What is the legal basis for using your data?

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

- Data Protection Act 2018
- The General Data Protection Regulations 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management

Under the General Data Protection Regulation we will lawfully be using your information in accordance with:

Article 6 (e) - "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller"

Article 9 (h) - "processing is necessary for the purposes of preventive 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"

For the processing of special categories data, the basis is:

Article 9 (2) (b) – "processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law"

These articles apply to the processing of information and the sharing of it with others for specific purposes.

How do we store your data?

We have a Data Protection regime in place to oversee the effective and secure processing of your personal and special category (sensitive, confidential) data. No third parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place.

In certain circumstances you may have the right to withdraw your consent to the processing of data. These circumstances will be explained in subsequent sections of this document.

In some circumstances we may need to store your data after your consent has been withdrawn, in order to comply with a legislative requirement.

How do we maintain the confidentiality of your data?

Our Practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the General Data Protection Regulations (GDPR) and all UK specific Data Protection requirements. Our policy is to ensure all personal data related to our patients will be protected.

We use a combination of working practices and technology to ensure that your information is kept confidential and secure.

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

All employees and sub-contractors engaged by our Practice are asked to sign a confidentiality agreement. The Practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a subcontractor acts as a data processor for Sheen Surgery an appropriate contract will be established for the processing of your information.

Some of this information will be held centrally and used for statistical purposes. Where this happens, 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 Practice will always gain your consent before releasing the information for this purpose in an identifiable format. In some circumstances you can Opt-out of the Practice sharing any of your information for research purposes.

How long do we keep your data?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records Management Code of Practice for Health and Social Care and in accordance with National Archives requirements.

More information on records retention can be found online at:

<https://digital.nhs.uk/data-and-information/information-governance/guidance/records-management-code-of-practice>

What are your data protection rights?

If we already hold your personal data, you have certain rights in relation to it.

Right to object: If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

Right to withdraw consent: Where we have obtained your consent to process your personal data for certain activities (for example a research project), or consent to market to you, you may withdraw your consent at any time.

Right to erasure: In certain situations (for example, where we have processed your data unlawfully), you have the right to request us to erase your personal data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply.

Right of data portability: If you wish, you have the right to transfer your data from us to another data controller. We will help with this with a GP to GP data transfer and transfer of your hard copy notes.

National Data Opt-Out: The National Data Opt-Out allows people to choose whether their confidential patient information is used for research and planning purposes beyond their individual care, unless an exemption applies. The National Data Opt-Out is a service was introduced on 25 May 2018. You can make or change your choice at any time. A Type 1 Opt-Out can also be used to stop your GP surgery sharing your data for research and planning. The National Data Opt-Out does not affect the use of your information for your direct care. The National Data Opt-Out replaces the previous Type 2 Opt-Out, which required NHS Digital not to share a patient's confidential patient information for purposes beyond their individual care. Any patient who had a Type 2 Opt-Out has had it automatically converted to a National Data Opt-Out from 25 May 2018 and would have received correspondence giving them more information and a leaflet explaining the new service. You can find out more from the Practice or by visiting:

<https://www.nhs.uk/your-nhs-data-matters/>

If you wish to raise a query or request relating to any of the above, please contact us. We will seek to deal with it without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

Who do we share your data with?

We consider patient consent as being the key factor in dealing with your health information.

To provide around-the-clock safe care, we will make information available to trusted organisations for specific purposes unless you have asked us not to,

To support your care and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other systems. The general principle is that information is passed to these systems unless you request that this does not happen, but that system users should ask for your consent before viewing your record.

Our partner organisations are:

- NHS Trusts / Foundation Trusts
- GPs
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Integrated Care Boards and Integrated Care Systems
- Social Care Services
- NHS England, including national data and digital services formerly delivered by NHS Digital
- Multi Agency Safeguarding Hub (MASH)
- Local Authorities

- Education Services
- Fire and Rescue Services
- Police and Judicial Services
- Other 'data processors' which you will be informed of

You will be informed who your data will be shared with, and in cases where your consent is required you will be asked for it.

Below are some examples of when we would wish to share your information with trusted partners.

Primary Care Networks: We are a member of Sheen/Barnes Primary Care Network. This means we work closely with a number of local practices and care organisations for the purpose of direct patient care. They will only be allowed to access your information if it is to support your healthcare needs. If you have any concerns about how your information may be accessed within our primary care network, we would encourage you to speak or write to us.

Extended Access: We provide extended access services to our patients which means you can access medical services outside of our normal working hours. In order to provide you with this service, we have formal arrangements in place with our local Integrated Care Board and with other practices whereby certain key “hub” practices offer this service on our behalf for you as a patient to access outside our opening hours. Those key “hub” practices will need to have access to your medical record to be able to offer you the service. We have robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.

Medicines Management: The Practice may 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. Our local Integrated Care Board may employ or commission specialist pharmacists who may at times need to access your records to support and assist us with prescribing. The reason for this is to help us manage your care and treatment.

Individual Funding Requests: An Individual Funding Request is a request made on your behalf, with your consent, by a clinician, for the funding of specialised healthcare which falls outside the range of services and treatments that the Integrated Care Board has agreed to commission for the local population. An Individual Funding Request is considered when a case can be set out by a patient's clinician that there are exceptional clinical circumstances which make the patient's case different from other patients with the same condition who are at the same stage of their disease, or when the request is for a treatment that is regarded as new or experimental and where there are no other similar patients who would benefit from this treatment. A detailed response, including the criteria considered in arriving at the decision, will be provided to the patient's clinician.

Use of iGPR for Subject Access Requests, Insurance Reports and Reports for DWP and the Army

We use a processor, iGPR Technologies Limited (“iGPR”), to assist us with responding to report requests relating to your patient data, such as subject access requests that you submit to us (or that someone acting on your behalf submits to us) and report requests that insurers submit to us under the Access to Medical Records Act 1988 in relation to a life insurance policy that you hold or that you are applying for. iGPR manages the reporting process for us by reviewing and responding to requests in accordance with our instructions and all applicable laws, including UK data protection laws. The instructions we issue to iGPR include general instructions on responding to requests and specific instructions on issues that will require further consultation with the GP responsible for your care.

THIRD PARTY CONTRACTORS

Our Advanced Cloud Based Telephony system is provided by Surgery Connect. All incoming and outgoing calls are now recorded. Surgery Connect comply with all necessary Data Protection. Call recordings are held on secure servers with quadruple site resilience. A log of all calls is retained for 3 years. Call recordings are securely destroyed on a rolling basis after this period.

We can use approved Artificial Intelligence (AI) systems to assist clinicians with documentation and administrative tasks. These systems do not replace clinical decision-making. All AI outputs are reviewed by a qualified healthcare professional. Data processing complies with UK GDPR, the Data Protection Act 2018, and NHS data security standards.

NHS England uses OpenSAFELY open-source software tools (OpenSAFELY Platform), a Trusted Research Environment, which was developed by the Bennett Institute in collaboration with the Electronic Health Record (EHR) research group at the London School of Hygiene and Tropical Medicine, NHS England, and the GP System Suppliers (GPSS). The Service uses the OpenSAFELY Platform to run project analysis code on pseudonymised GP, pseudonymised NHS England patient data and specific external data providers' pseudonymised data, which is held within TPP or Optum (formerly EMIS).

Here is a link to NHSE Privacy Notice [Privacy Notice](#)

Are there other projects where your data may be shared?

NHS England has been directed by the government to establish and operate the OpenSAFELY COVID-19 Service and the OpenSAFELY Data Analytics Service. These services provide a secure environment that supports research, clinical audit, service evaluation and health surveillance for COVID-19 and other purposes.

Each GP practice remains the controller of its own GP patient data but is required to let approved users run queries on pseudonymised patient data. This means identifiers are removed and replaced with a pseudonym.

Only approved users are allowed to run these queries, and they will not be able to access information that directly or indirectly identifies individuals.

Patients who do not wish for their data to be used as part of this process can register a [type 1 opt out](#) with their GP.

Here you can find [additional information about OpenSAFELY](#)."

Other research projects: With your consent we would also like to use your name, contact details and email address to inform you of services that may benefit you. There may be occasions when authorised research facilities would like to invite you to participate in research, innovations, identifying trends or improving services. At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent or to opt out prior to any data processing taking place. This information is not shared with third parties or used for any marketing and you can unsubscribe at any time via phone, email or by informing the Practice.

When is your consent not required?

We will only ever use or pass on information about you to others involved in your care if they have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances.

There are certain circumstances where we are required by law to disclose information, for example:

- where there is a serious risk of harm or abuse to you or other people
- where a serious crime, such as assault, is being investigated or where it could be prevented ☐
- where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS)
- where a formal court order has been issued
- where there is a legal requirement, for example if you had committed a Road Traffic Offence

We are also required to act in accordance with the current Caldicott Principles. Principle 7 states that "*the duty to share information for individual care is as important as the duty to protect patient confidentiality*", and Principle 8 requires organisations to inform patients and service users about how their confidential information is used. This means 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.

How can you access or change your data?

You have a right under the Data Protection legislation to request access to view or to obtain copies of the information the Practice holds about you and to have it amended should it be inaccurate.

Your request should be made to the Practice and we have a form (SAR - Subject Access Request) which you will need to complete. We are required to respond to you within one calendar month
For information from the hospital you should write direct to them. You will need to give adequate information (full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

There is no charge to receive a copy of the information held about you.

What should you do if your personal information changes?

Please contact the Practice Manager as soon as any of your details change. This is especially important for changes of address or contact details (such as your mobile phone number).

The Practice will from time to time ask you to confirm that the information we currently hold is accurate and up to date.

Changes to our privacy policy

It is important to point out that we may amend this Privacy Notice from time to time.

Our Data Protection Officer

The Practice has appointed Umar Sabat to act on behalf of our Practice to be the Data Protection Officer.

He can be contacted on the following e-mail address: umar.sabat@ig-health.co.uk

If you have any concerns about how your data is shared, or if you would like to know more about your rights in respect of the personal data we hold about you, then please contact the Practice Data Protection Officer.

How to contact the appropriate authorities

If you have any concerns about how your information is managed at your GP Practice, please contact the GP Practice Manager or the Data Protection Officer in the first instance.

If you are still unhappy following a review by the GP Practice, you have a right to lodge a complaint with the UK supervisory authority, the Information Commissioner's Office (ICO), at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Email: <https://ico.org.uk/>

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