

# Billericay Medical Practice

## Privacy Policy

Version 2 : August 2018

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Review January 2024

### **Your information, what you need to know**

This privacy notice explains why we collect information about you, how that information may be used and how we keep it safe and confidential.

### **Why we collect information about you**

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received within any NHS organisation.

These records help to provide you with the best possible healthcare.

We collect and hold data for the sole purpose of providing healthcare services to our patients.

In carrying out this role we may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address and telephone number.

They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

### **Details we collect about you**

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (eg. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

Records which this GP Practice may hold about you may include the following:

- Details about you, such as your address and next of kin
- Any contact the surgery 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

### **How we keep your information confidential and safe**

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent

given by the patient, unless there are other circumstances covered by the law. The NHS Digital Code of Practice on Confidential Information applies to all our staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive annual training on how to do this.

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

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others involved in your care 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.

### **How we use your information**

Under the powers of the Health and Social Care Act 2015, NHS Digital can request personal confidential data from GP Practices without seeking patient consent. Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care.

You may choose to withdraw your consent to personal data being used in this way. When we are about to participate in a new data-sharing project we will make patients aware by displaying prominent notices in the Practice and on our website at least four weeks before the scheme is due to start. Instructions will be provided to explain what you have to do to 'opt-out' of each new scheme.

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.

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS.

### **Clinical Audit**

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes. Where we do this we take strict measures to ensure that individual patients cannot be identified e.g. the National Diabetes Audit.

### **Clinical Research**

Occasionally your information may be requested to be used for research purposes. The surgery will always gain your consent before releasing any information for this purpose.

### **National Registries**

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

### **Cabinet Office**

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice.

Information on the Cabinet Office's legal powers and reasons why it matches particular information. <https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

### **Risk Stratification**

Risk Stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services. Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health and not just the treatment of sickness. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information is available from the following link:

<https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose.

### **Individual Funding Request**

An 'Individual Funding Request' is a request made on your behalf, with your consent, by a clinician, for funding of specialised healthcare which falls outside the range of services and treatments that CCG has agreed to commission for the local population. An Individual

Funding Request is taken under consideration 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.

### **Invoice Validation**

Invoice validation is an important process. It involves using your NHS number to check the CCG that is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

### **Supporting Medicines Management**

CCGs support local GP practices with prescribing queries which generally don't require identifiable information. CCG pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. Where specialist support is required e.g. to order a drug that comes in solid form, in gas or liquid, the CCG medicines management team will order this on behalf of the practice to support your care.

### **Safeguarding**

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

### **Summary Care Record (SCR)**

NHS England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

Summary Care Records are there to improve the safety and quality of your care. SCR core information comprises your allergies, adverse reactions and medications. An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your agreement.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an

emergency.

Your records will stay as they are now with information being shared by letter, email, fax or phone. If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.

### **Local sharing via My Care Record**

Your patient record is held securely and confidentially on our electronic system. If you require attention from a health professional such as an Emergency Department, Minor Injury Unit or Out Of Hours location, those treating you are better able to give appropriate care if some of the information from your GP patient record is available to them. This information can be locally shared electronically.

Your permission will be asked before the information is accessed, unless the health and social care user is unable to ask you and there is a clinical reason for access, which will then be logged.

### **Data Retention**

We will approach the management of 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.

### **Who are 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:

- NHS Trusts / Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police
- Other 'Data Processors'.

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function. Within the health partner organisations (NHS and Specialist Trusts) and in relation to the above mentioned themes – Risk Stratification, Invoice Validation, Supporting Medicines Management, Summary Care Record – we will assume you are happy to for your information to be shared unless you choose to opt-out (see below).

This means you will need to express an explicit wish not to have your information shared with the other NHS organisations; otherwise they will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

### **Your right to withdraw consent for us to share your personal information (Opt-Out)**

If you are happy for your data to be extracted and used for the purposes described in this fair processing notice then you do not need to do anything. If you do not want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances we may still be legally required to disclose your data.

There are two main types of opt-out.

#### **Type 1 Opt-Out**

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a 'Type 1 Opt-Out'. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

#### **Type 2 Opt-Out**

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a 'Type 2 Opt-Out'. For further information about Type 2 Opt-Outs, please contact NHS Digital contact centre at [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) referencing 'Type 2 Opt-Outs – Data Requests' in the subject line; or call NHS Digital on **(0300) 303 5678**; or visit the website <http://content.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs> .

If you wish to discuss or change your opt-out preferences at any time please contact the Practice Manager.

### **Access to your information**

Under the new General Data Protection Regulation (GDPR) 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 the 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.

## **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 for a review. Please let us know if you do not wish to receive correspondence by email.

## **Notification**

Billericay Medical Practice 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](http://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>

### **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.

<http://content.digital.nhs.uk/article/4963/What-we-collect>

### **Reviews of and Changes to our Fair Processing Notice**

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

We are required by law to provide you with the following information about how we handle your information in relation to our legal obligations to share data.

<b>Data Controller</b> contact details	Billericay Medical Practice Stock Road Billericay Essex CM12 0BJ Tel : 01277 658071
<b>Data Protection Officer</b> contact details	Mr Peter Tyrrell Practice Manager Billericay Medical Practice Stock Road Billericay Essex CM12 0BJ  Tel: 01277 658071
<b>Purpose</b> of the processing	<ul style="list-style-type: none"><li>• The NHS provides several national health screening programmes to detect diseases or conditions early such as cervical and breast cancer, aortic aneurysm and diabetes.</li><li>• The information is shared so that the correct people are invited for screening. This means those who are most at risk can be offered treatment.</li></ul>



<p><b>Lawful basis</b> for processing</p>	<p>The following sections of the GDPR allow us to contact patients for screening.</p> <p>Article 6(1)(e) – ‘processing is necessary...in the exercise of official authority vested in the controller...’</p> <p>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>
<p><b>Recipient or categories of recipients</b> of the processed data</p>	<p>The data will be shared with :</p> <ul style="list-style-type: none"> <li>• NHS and specialist hospitals, Trusts</li> <li>• Independent Contractors such as dentists, opticians, pharmacists</li> <li>• Private and Voluntary Sector Providers</li> <li>• Ambulance Trusts</li> <li>• Clinical Commissioning Groups and NHS England</li> <li>• Social Care Services and Local Authorities</li> <li>• Education Services</li> <li>• Police, Fire and Rescue Services</li> <li>• Other ‘data processors’ during specific clinical work.</li> </ul>
<p><b>Rights to object</b></p>	<p>For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme.</p> <p>See: <a href="https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes">https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</a></p> <p>Or speak to your practice.</p>
<p><b>Right to access your medical records</b></p>	<ul style="list-style-type: none"> <li>• You have the right to request to access your medical record from each individual Data Controller. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – <a href="http://www.gps-billericayhealthcentre.co.uk">www.gps-billericayhealthcentre.co.uk</a></li> <li>• We are not aware of any circumstances in which you will have the right to delete correct information from</li> </ul>

<p><b>Right to correct your medical record</b></p>	<p>your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</p> <ul style="list-style-type: none"> <li>You do however have the right to ask for a note to be placed on your medical record if you believe an entry is wrong or incorrect. Please speak to a member of staff or look at our 'subject access request' policy on the practice website – <a href="http://www.gps-billericayhealthcentre.co.uk">www.gps-billericayhealthcentre.co.uk</a></li> </ul>
<p><b>Retention period</b></p>	<p>GP medical records will be kept in line with the law and national guidance.</p> <p>Information on how long records can be kept can be found at: <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> or <u>speak to the practice.</u></p>
<p><b>Right to complain</b></p>	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call the helpline <u>0303 123 1113</u></p>
<p><b>Data we get from other organisations</b></p>	<p>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.</p>

Peter Tyrrell, Practice Manager