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**Protecting your Confidentiality –**

 **Practice Privacy Policy**

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| **Version** | **Review Date** | **Edited By** | **Approved By** | **Comment** |
| 1 | 24.05.2018 | Aysen Ismail | Dr Akpotor and Dr Afzal | First Implementation |
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## **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. 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.

### **Status:**

The practice aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in regard to the individual protected characteristics of those to whom it applies.

### **Training and Support:**

The practice will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to management to enable them to deal more effectively with matters arising from the policy.

**Definition Terms:**

## **Privacy notice:**

A statement that discloses some or all of the ways in which the practice gathers, uses, discloses and manages a patient’s data. It fulfils a legal requirement to protect a patient’s privacy.

## **Data Protection Act 2018 (DPA18):**

The Data Protection Act (DPA18) will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

## **Information Commissioner’s Office (ICO):**

The UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

## **General Data Protection Regulation (GDPR):**

The GDPR replaces the Data Protection Directive 95/46/EC and was designed to standardize data privacy laws across Europe, to protect and empower all EU citizens’ data privacy and to reshape the way in which organisations across the region approach data privacy. The GPDR comes into effect on **25 May 2018**.

### **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-nationalfraud-initiative>

### **Communication Privacy Information:**

The Palms Medical Centre has the practice privacy notice displayed on our website, notice boards in the waiting area and is attached to our practice registration forms.

We will:

* Inform patients how their data will be used and for what purpose.
* Allow patients to opt out of sharing their data, should they wish.

### **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.

### **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.

The national data opt-out programme will afford patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes. This programme will be live with effect from 25 May 2018.

Patients who wish to opt out of data collection will be able to set their national data opt-out choice online. An alternative provision will be made for those patients who are unable to do so or who do not want to use the online system.

Individuals who have opted out using the existing Type 2 opt-out will be automatically transferred to the new national data opt-out system and will be notified on an individual basis of the change.

**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 complete the request to Access Records at Reception.

 **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:**

Redbridge CCG 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> .

### **Complaints:**

If you have concerns or are unhappy about any of our services, please complete a complaints form at reception.

However, if you feel you cannot raise your complaint with us, you can contact any of the following 3 bodies:

### **Commissioning Support Unit Office**

020 3688 1624 nelcsu.complaints@nhs.net

### **NHS Complaints Advocacy Service**

39-41 North Street London N7 9DP Tel: 0300 330 5454

NHS England, PO Box 16738, Redditch, B97 9PT

### **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 is a data controller and has a legal duty, in line with the General Data Protection Regulation ( GDPR), to explain why it is using patient data and what data is being used. Similarly, The Palms Medical Centre has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.
<http://content.digital.nhs.uk/article/4963/What-we-collect>

Aysen Ismail – Practice Manager

May 2018