



PRACTICE FAIR PROCESSING & PRIVACY NOTICE

Introduction

Stour surgery aims to ensure the highest standard of medical care for our patients. To do this we keep records about you, your health and the care we have provided or plan to provide to you.

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 privacy notice explains why information is collected about you, the ways in which the information may be used, who it is shared with and how we keep it safe. It also explains how you go about accessing this information if you wish to see it.

This privacy notice does not provide exhaustive details of all aspects of the collections and use personal information by Stour Surgery. However we are happy to provide any additional information or explanation needed. If you wish to request further information please contact the Practice Manager.

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

What information do we collect from you?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to the 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. Records that we keep include:

- Basic details about you such as your address, date of birth and next of kin
- Contact we have had with you such as clinical visits
- Notes and reports about your health
- Details and records about your treatment and care
- Hospital letters
- Results for x-rays, laboratory tests, etc.
- Relevant information from people who care for you and know you well such as health professionals and relatives

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?

In the National Health Service we aim to provide you with the highest quality of health care. To do this we must keep records about you which contain information recorded by health workers who have been involved in your care.

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 a 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.

We may also use your or share you information for the following purposes:

- Looking after the health of the general public
- Making sure that our services can meet patients’ needs in the future
- Preparing statistics on NHS performance and activity (where steps will be taken to ensure you cannot be identified)

- Investigating concerns, complaints and legal claims
- Helping staff to review the care they provide to make sure it is of the highest standards
- Research approved by the Local Research Ethics Committee. (if anything to do with the research would involve you personally, you will be contacted to provide consent)
- Training and educating staff.

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:

- Local GP Practices in order to deliver extended primary care services
- NHS Hospitals
- Community or Social Care Services
- 111 and Out of Hours Service
- Dentists, Opticians and Pharmacies
- Private Sector Providers (Private Hospitals, Care Homes, Hospices etc.)
- Ambulance Trusts (South Western Ambulance Service- SWAST)
- Health and Social Care Information Centre
- NHS Walk-In Centres
- Clinical Commissioning Groups
- Voluntary Support Organisations commissioned to provide services by the Dorset CCG.
- Health Intelligence (Diabetic Eye Screening) – For further information on their Privacy policy visit <https://health-intelligence.com/how-it-works/privacy-notice/>

This list is not intended to be exhaustive and we may well share data with other NHS care services but it will always be for the purpose of your direct care.

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.

We may also share your information, with your consent, and subject to strict sharing protocols, about how it will be used with:

- Local authority departments, including social services, education and housing.
- Police and fire services.

How do we keep your information safe?

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We are committed to protecting your privacy and will only use information that has been collected lawfully in accordance with:

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

We ensure 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. Access to patient records by staff other than clinical staff is regulated to ensure that they are used only to the extent necessary to enable tasks to be performed for the proper functioning of the practice. In this regards, patients should understand that practice staff may have access to their records for:

- Identifying and printing repeat prescriptions for patients. These are then reviewed and signed by the GP.
- Generating a medical certificate for the patient. This is then checked and signed by the GP.
- Typing referral letters to hospital consultants or allied health professionals such as physiotherapists, occupational therapists, psychologists and dieticians
- Opening letters from hospitals and consultants. The letter could be appended to a patient's paper file or scanned in their electronic patient record.

(This is not an exhaustive list)

We will not disclose information to any third party without your permissions unless there are exceptional circumstances such as a life or death situation, or where the law requires information to be passed, or where it is in the best interest of the patient to share the information.

We will keep information as accurate and up to date as possible. We will explain the need for any information we ask if the patient is not sure why it is needed.

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.

To help us protect confidentiality it is important to inform us about any relevant changes that we should know about. This would include a change of personal circumstance, change of address and/or phone number.

We have a duty to

- Maintain full and accurate records of the care we provide to you
- Keep records about you confidential and secure

- Provide information in a format that is accessible to you (e.g. large type if you are partially sighted)

How long do we keep your information?

Health and social care records are subject to a notionally agreed code of practice which regulates the minimum period for which records must be kept. This specifies that GP records should be retained until 10 years after the patient's death or after the patient has permanently left the country, unless they remain in the European Union. Electronic patient records must not be destroyed or deleted for the foreseeable future. For more information see the records management code of practice <https://digital.nhs.uk/article/1202/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 you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are 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.

Can you ask for your information not to be shared?

You can ask for any information and/or consultation to be marked as private. This means that viewing this particular information and/or consultation is restricted to staff (clinical and non-clinical) in this practice. It is your responsibility to tell us if there is any information that you wish to be marked as private.

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

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

Can I change my mind?

Yes, you can always change your mind and amend who you give consent to see your records. For instance, you can decline to share your records out from the surgery, but if you build up a relationship with the physiotherapist who was treating you and they ask you if they could look at an x-ray report, you could give your consent at that point for them to view your records.

If I decline – what happens in an emergency?

In the event of a medical emergency, for instance if you were taken unconscious to A&E, and the clinician treating you feels it is important to be able to see your medical records, he will be able to override any consents set. However the doctor has to give a written reason for doing so. Where this

happens an audit is undertaken by the local Caldicott Guardian (the person with overall responsibility for data protection compliance).

Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows 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 will be 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 contact us.

Stour Surgery will respond within one month of receipt of your request. You will need to give adequate information (for example full name, address, date of birth and details of your request). Usually there is no charge to see the information that the practice holds about you unless the request is excessive or complicated.

You can also have access to your medical record online by registering for SystemOnline. This can be done by bringing in ID to the practice and completing a SystemOnline registration form. We will then issue you a username and password.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic system - (SystemOne) 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 and out of hospital services.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies

The NHS may not be the only government service to provide you with the care you need. It may be necessary for us to provide information to other agencies directly involved in your care. Under these circumstances we will seek your consent before information is shared. We may request your **specific consent** to use personal information in research projects or other non-medical aspects of treatment.

- **Summary Care Record**

In addition, NHS England have 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 be automatically setup to be shared with the organisations listed previously, 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.

You can also ask your practice to include additional information such as current conditions on your SCR. It is very straight forward to add but we can only do this with your express permission. Patients who may benefit from sharing additional information are those with complex medical histories or more frail patients who are at risk of being admitted to hospital suddenly.

- **GP Clinical System – The Enhanced Data Sharing Model (EDSM) in SystemOne**

From time to time it is helpful for us to be able to share information about your health and care requirements with other health organisations. Work has been ongoing to improve the way that medical records are made available to clinician involved in your treatment. As a result of this work we are now able to share clinical information between health professionals including other GP practices, child health services, community health services, hospitals, out of hours, palliative care providers and similar.

The type of information shared includes a summary of current problems, current medication, allergies, recent tests, diagnosis, procedures, investigations, risks and warnings – all information is currently held in you GP system record (unless marked as private).

Whenever a clinician from another healthcare organisation wishes to view you record they should seek you permission before doing so: if you say 'no' they will not be able to see any information. From May 2018 we will automatically set up the sharing facility to allow your information to be shared (this is called sharing out). However if you do not wish us to share your information in this way please let us know and we will ensure that your information is not shared. Please complete the data sharing opt out form.

- **Dorset Care Record (DCR)**

Health and social care organisations in Dorset hold different sets of records about you and not every organisation use SystemOne. The Dorset Care Record is a confidential computer record that will join up all these different records to create one complete and up to date record. Over time this will help to improve the care you receive. Information will be taken from GP practices, hospitals within Dorset, Dorset Healthcare University NHS Foundation Trust, Dorset CCG, South West Ambulance

Trust and the councils within Dorset. Records will only be viewed by authorised staff who are directly involved in your care.

For more detailed information visit the Dorset Care Record (DCR) website or view the leaflets in the waiting room. If you do not wish your information to be shared in this way, you will need to opt out. To do this, fill in an opt-out form which can be found on the back of the leaflet in the waiting room. Send your opt-out form to the Privacy Officer at Dorset Care Record.

Complaints

In the event that you feel your GP Practice has 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.

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at www.ico.gov.uk

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 condition(s), medication history, patterns of hospital attendances, 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 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.

A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.

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 negative impact on the timely and proactive provision of your direct care.

Data Sharing for Research (Not for direct care)

NHS England aims to link information from all the different places where you receive care such as hospital, community service and us your GP surgery. This will allow them to compare the care you received in one area against the care you received in another.

Information will be held in a secure environment called the Health and Social Care Information Centre (HSCIC). The role of the HSCIC is to ensure that high quality data is used appropriately to improve patient care. The HSCIC has legal powers to collect and analyse data from all providers of NHS care. They are committed, and legally bound, to the very highest standard of privacy and confidentiality to ensure that your confidential information is protected at all time.

This data can also be used, with permission from NHS England, for research purposes.

You can object to information containing data that identifies you from leaving the practice. This will prevent identifiable information held in your record from being sent to the HSCIC secure environment. It will also prevent those who have gained special legal approval from using your health information for research.

You can also object to any information containing data that identifies you from leaving the HSCIC secure environment. This includes information from all places you receive NHS care, such as hospitals. If you object, confidential information will not leave the HSCIC and will not be used, except in very rare circumstances for example in the event of a public health emergency.

For more information visit www.england.nhs.uk/caredata

The law requires Doctors to provide some very limited information about certain things. The law says, for example, that Doctors must provide information to local authorities about some infectious diseases, e.g. if you had foot poisoning. Very rarely, Doctors may be required to disclose information in order to detect a serious crime. Likewise, a court can require Doctors to disclose certain information during a court case.

Communications by Email and Text Messaging

The practice wishes to expand its methods of communicating with patients to include the use of email and text messaging. Patient Privacy is important to us, and Stour Surgery would like to communicate with you regarding any activities that may be of interest.

The practice will need your explicit consent to contact you for marketing purposes. This includes using emails to provide updates on new developments at the practice via the Patient Participation Group (PPG) or the patient newsletter.

The practice will be able to contact you via text which will include information regarding your health and social care, for example patient reminders about the details of their next appointment. Email and text communication will never be used for urgent communications. Your contact details will be used solely in relation to healthcare services offered by the practice, and you can choose to opt out of the services at any time by contacting us or by completing our 'Communications by Text and Email Consent Form' on our website.

Website

Stour Surgery is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified when using this website; you can be assured that it will only be used in accordance with this Privacy Statement. You may choose to restrict the collection or use of personal information in the following ways

- Information you supply using any electronic form(s) on our website will only be used for the purpose(s) stated on the form;
- Whenever you are asked to fill in a form on the website, look for a box that may give you the option to click and indicate that you do not want the information to be used by anybody for direct marketing purposes;
- If you have previously agreed to us using your personal information for direct marketing purposes, you may change your mind at any time by contacting us.

Subscribing to our Newsletter via the website

When you subscribe to our newsletter you are added to securely held list which Stour Surgery are able to manage. You are only added to this list by completing the online subscription form, giving your permission for us to contact you with up-to-date newsletters.