

MINEHEAD MEDICAL CENTRE

PRACTICE FAIR PROCESSING & 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.

You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object. You also have the right to have any mistakes or errors corrected.

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 consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law. People who have access to your information will only normally have access to that which they need to fulfil their roles.

We will contact you if we 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.

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 centres, 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.

We are required by law to provide you with the following information about your privacy and how your data is processed fairly.

Key Contacts

Data Controller contact details	Minehead Medical Centre Harley House Site 2 Irnham Road Minehead Somerset TA24 5DL Email: somccg.mineheadmedicalcentre@nhs.net
Data Protection Officer contact details	Kevin Caldwell Somerset Clinical Commissioning Group Wynford House Lufton Way Yeovil Somerset BA22 8HR Tel: 01935 384000 Email: contactussomersetccg@nhs.net

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).

The Practice has a range of security measures in place to ensure that your information is held, and where appropriate, shared in a secure way. Your patient record will only be accessed by those members of practice staff who are authorised to do so.

Why General Practice will Process Data

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:

- Register you for and provide you with NHS services
- The processing of personal data in the delivery of direct care, for providers’ administrative purposes in the surgery and in support of direct care elsewhere
- Share information with other healthcare and social workers to provide the most appropriate advice, investigations, treatments, therapies and or care
- To ensure that patients at risk of certain diseases are identified so appropriate care and support can be provided by linking information from your health record with information from other health and social care services
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult to ensure that people are protected from harm
- Perform tasks in the public’s interest or in the exercise of official authority vested in the data controller and to comply with a legal obligations or requirements to share information
- To share data for public health reasons, for example to prevent the spread of infection diseases or other diseases which threaten the health of the population and to support the delivery of national screening programmes
- To promote earlier health intervention and treatment through participation in local Health Risk Screening or Risk Stratification to help determine who is at risk of deterioration in health
- To support medical research when the law allows which helps with the development of new treatments and medicines whilst facilitating improvements in care and treatment patients receive
- Contributing to local and national clinical audit to review, check and improve the quality of clinical care provided
- To manage the health and social care system and services

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 EU 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 or treatment or the management of health or social care systems and services...’; and/or

Article 9(2)(j) – ‘... 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.

Recipients of Processed Data

In order to deliver and coordinate your health and social care, we may share information with the following organisations (data recipients/category of data recipient):

- Healthcare professionals and staff in this surgery
- Local GP Practices in order to deliver extended primary care services
- Local Trusts / Hospitals / Health boards / Clinical Commissioning Groups
- NHS 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations (commissioned to provide services by Somerset CCG)
- Diagnostic and treatment centres commissioned to provide your care;
- NHS Digital and NHS partner research organisations for national clinical audit
- The Care Quality Commission
- Public Health England and/or other local health protection teams
- The Court and other public bodies, if ordered

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 your GP Practice 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.

Rights to Object

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.

You have the right to object to information being shared between those who are providing you with direct care including opting out of national screening programmes. Please remember this may affect the care you receive – please speak to your GP first.

You have a right to object under the GDPR and the right to ‘opt-out’ under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.

You are not able to object to your data being shared with NHS Digital when it is legally required under the Health & Social Care Act 2012. You are not able to object to your name, address and other demographic information being sent to NHS Digital as this is necessary if you wish to be registered to receive NHS care.

You are not able to object when information is legitimately shared for safeguarding, public health or legal duty reasons. In appropriate circumstances it is a legal and professional requirement to share information for these reasons. This is to protect people from harm.

You should be aware that is a right to raise an objection which is not the same as having the absolute right to have your wishes granted in every circumstance.

Right to Access and Correct Data

You have the right to access the data that is being shared and to have any inaccuracies corrected.

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 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 in the interests of your wellbeing or to protect the identity of a third party.

We are not aware of any circumstances in which you will have the right to delete correct information from 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.

Data Retention

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.

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. GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>.

Right to Complain

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 at Harley House Surgery (Data Controller address above).

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: 0303 123 1113 (or 01625 545700 from outside the UK) or online at www.ico.gov.uk

Notice compiled by the West Somerset Federation May 2018

Reviewed and published by Janet Hewlett 21.04.2022