

## **Patient Privacy Notice**

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

1. Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the GDPR Regulations.
2. 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.
3. 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; and
  - The management and clinical planning of services to ensure that appropriate care is in place.

### **Data Controller**

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

### **What information do we collect and use?**

5. We are committed to protecting your privacy and will only use information collected lawfully in accordance with: -
  - The General Data Protection Regulations Legislation (GDPR)
  - Human Rights Act 1998
  - Common Law Duty of Confidentiality
  - Health and Social Care Act 2012
  - NHS Codes of Confidentiality and Information Security
6. Personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care. 'Personal data' means 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 personal data' includes 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.

7. 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:
  - Details about you, such as your address, legal representative, emergency contact details
  - 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
  - Your records will be retained in accordance with the NHS Code of Practice for Records Management
  
8. 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 maybe 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.

#### **Why do we collect this information?**

9. 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.

#### **How do we use this information?**

10. To ensure that you receive the best possible care, your records will be used to facilitate the care you receive. Information held about you may be used to protect the health of the public and to help us manage the NHS. Information may also be used for clinical audit to monitor the quality of the service provided. In addition, your information will be used to identify whether you are at risk of a future unplanned hospital admission and/or require support to effectively manage a long term condition.

### **How is the information collected?**

11. Your information will be collected either electronically using secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

### **Who will we share your information with?**

12. In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- NHS Trusts / Foundation Trusts
- GPs
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- NHS Digital
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Other 'data processors' which you will be informed of.

13. 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.

14. Your information will not be transferred outside of the European Union.

### **Who do we receive information from?**

15. 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.

16. In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve "out of hospital care".

### **How do we maintain the confidentiality of your records?**

17. 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.

18. 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.

### **Do I need to give my consent?**

19. 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.

20. 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.

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

21. 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.

### **Health Risk Screening / Risk Stratification**

22. 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.

23. 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.

24. Your GP may use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited Risk Stratification provider.

25. 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.

26. 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. You have the right to object to your information being used in this way. However, you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

27. Patients can decide if they want to share their personally identifiable data to be used for planning and research purposes. Please see information in the Practice for more details or refer to [www.digital.nhs.uk](http://www.digital.nhs.uk). The Practice holds a separate policy for opting out GDPR11-National Data Opt-Out Policy and Procedure

**28. Legal Basis**

GDPR Art. 6(1) (e) and Art.9 (2) (h). The use of identifiable data by CCGs and GPs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority (approval reference (CAG 7-04)(a)/2013)) and this approval has been extended to the end of September 2022 [NHS England Risk Stratification](#) which gives us a statutory legal basis under Section 251 of the NHS Act 2006 to process data for risk stratification purposes which sets aside the duty of confidentiality. We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality.

29.

**Sharing of Electronic Patient Records within the NHS**

30. Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems EMIS 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

31. In addition, NHS England have implemented the Summary Care Record which contains information about medication you are taking, allergies you suffer from and any bad reactions to medication that you have had in the past.

32. Your electronic health record contains lots of information about you. In most cases, particularly for patients with complex conditions and care arrangements, the shared 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.
33. Your record will be automatically setup to be shared with the organisations listed above, 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.
34. You can also reinstate your consent at any time by giving your permission to override your previous dissent.

### **Invoice Validation**

35. If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.

### **Change of Details**

36. 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 such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

### **Your Right of Access to Your Records**

37. The 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 submit your request in writing to:

The Practice Manager  
The Harbour Medical Practice  
1 Pacific Drive  
Sovereign Harbour North  
East Sussex, BN23 6DW

### **Complaints**

38. 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 the address above.
  
39. 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](http://www.ico.gov.uk)