



**Review Sheet**




Last Reviewed  
22 Feb '22



Last Amended  
22 Feb '22



Next Planned Review in 12 months, or  
sooner as required.

Business impact	 <p><b>LOW IMPACT</b></p> <p>Minimal action required circulate information amongst relevant parties.</p>
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy will support with the collection and processing of personal data collected via an organisation's website. It has been reviewed and references have been updated. The overall structure of this policy has been revised.
Relevant legislation:	<ul style="list-style-type: none"> <li>The Privacy and Electronic Communications (EC Directive) Regulations 2003</li> <li>Data Protection Act 2018</li> <li>UK GDPR</li> </ul>
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> <li>Author: Information Commissioner's Office, (2021), <i>Guide to the UK General Data Protection Regulation (UK GDPR)</i>. [Online] Available from: <a href="https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/">https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/</a> [Accessed: 22/2/2022]</li> <li>Author: Information Commissioner's Office, (2018), <i>Cookies and similar technologies</i>. [Online] Available from: <a href="https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/">https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/</a> [Accessed: 22/2/2022]</li> <li>Author: CQC, (2022), <i>Guidance for providers</i>. [Online] Available from: <a href="https://www.cqc.org.uk/guidance-providers/all-services/guidance-providers">https://www.cqc.org.uk/guidance-providers/all-services/guidance-providers</a> [Accessed: 22/2/2022]</li> </ul>
Suggested action:	<ul style="list-style-type: none"> <li>Encourage sharing the policy through the use of the QCS App</li> </ul>
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written report that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality



## 1. Purpose

1.1 To provide a template Privacy Policy that Harbour Medical Practice can adapt to use on their website.

1.2 By using the template Privacy Policy provided, Harbour Medical Practice will ensure that the policy on their website is UK GDPR compliant.

1.3 To support Harbour Medical Practice in meeting the following Key Lines of Enquiry:

### Key Question

### Key Lines of Enquiry

WELL-LED

HW5: Are there clear and effective processes for managing risks, issues and performance?

1.4 To meet the legal requirements of the regulated activities that {Harbour Medical Practice} is registered to provide:

- | The Privacy and Electronic Communications (EC Directive) Regulations 2003
- | Data Protection Act 2018
- | UK GDPR



## 2. Scope

2.1 The following roles may be affected by this policy:

- | All staff

2.2 The following Patients may be affected by this policy:

- | Patients

2.3 The following stakeholders may be affected by this policy:

- | Family
- | Advocates
- | Representatives
- | Commissioners
- | External health professionals
- | Local Authority
- | NHS



## 3. Objectives

3.1 To provide assurance that Harbour Medical Practice has a Privacy Policy in place for users of its website that is UK GDPR compliant.

3.2 To establish ways of working in terms of the use, storage, retention and security of personal data.

3.3 To ensure that all Data Subjects, including Patients, understand the ways in which their personal data is collected and processed by Harbour Medical Practice via their website.

## Harbour Medical Practice

1 Pacific Drive, Sovereign Harbour North, Eastbourne, East Sussex, BN23 6DW



## 4. Policy

**4.1** Harbour Medical Practice understands that if they operate a website, they need to update their Privacy Policy to ensure that it is compliant with UK GDPR. Harbour Medical Practice will use this Privacy Policy as a template for its updated version.

Harbour Medical Practice understands that this Privacy Policy only needs to be uploaded to their website if personal data is collected via the website.

Harbour Medical Practice will use the Fair Processing Notice template to inform all Data Subjects, including Patients, how their personal data is processed.

**4.2** Harbour Medical Practice understands that the Privacy Policy template can be found in the UK GDPR suite within the QCS management system.

Harbour Medical Practice understands that terms in square brackets are optional (depending on whether or not they apply to Harbour Medical Practice).

Harbour Medical Practice must review the Privacy Policy in its entirety to determine which elements are applicable to its website, and which are not relevant.

For example:

- | If the template Privacy Policy refers to personal data that is not collected by Harbour Medical Practice via its website, Harbour Medical Practice can remove this
- | If the website of Harbour Medical Practice does not use cookies, they will delete references to cookies and the Cookie Policy
- | If Harbour Medical Practice does not transfer personal data outside of the EEA, they will delete the section entitled "Where we store your personal data"
- | If Harbour Medical Practice is not required to appoint a Data Protection Officer, they will delete references to the Data Protection Officer
- | Harbour Medical Practice may consider replacing Data Protection Officer references with 'Privacy Officer' instead, referencing the person nominated to have day-to-day responsibility for data protection and UK GDPR
- | If Harbour Medical Practice uses personal data collected via its website in a way that is not described in the Privacy Policy, it must consider incorporating additional sections

This Privacy Policy directs users to a webpage with a contact form or contact details if they wish to contact Harbour Medical Practice. Harbour Medical Practice will consider whether to provide an alternative contact method instead, such as an email address and/or phone number.

If Harbour Medical Practice has any concerns or queries in respect of the template Privacy Policy, they must seek legal advice.

**4.3** UK GDPR has changed the way cookies should be incorporated into websites which means that Harbour Medical Practice must explain what cookies will be set and what the cookies will do to the users of its website.

Harbour Medical Practice must obtain consent from individuals to store certain cookies on devices. Cookies that are not strictly necessary, need consent which is UK GDPR compliant, this means that Harbour Medical Practice can no longer rely on implied consent.

Harbour Medical Practice will ensure that it uses a cookie banner on its website to obtain consent to the use of cookies in line with this policy and that if no consent is obtained, no cookies will be set.

**4.4** Harbour Medical Practice must, therefore, update its processes for collecting consent for cookies. In practice, this means:

- | Users must take a clear and positive action to consent to non-essential cookies
- | The websites and apps of Harbour Medical Practice must tell users clearly what cookies will be set and what they do, including any third-party cookies
- | Pre-ticked boxes or any equivalents, such as sliders defaulted to "on", cannot be used for non-essential cookies
- | The users at Harbour Medical Practice must have control over any non-essential cookies
- | Non-essential cookies must not be set on landing pages before you gain the user's consent

Consent is not required for cookies that are defined as "strictly necessary" or that fall within the communication exemption. "Strictly necessary" cookies are those that are essential to providing the service

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requested by the user. Such cookies must be essential to fulfil their request. Those that are simply helpful or convenient, but not essential, or that are essential for the purposes of Harbour Medical Practice, will still require consent. The communication exemption is about the transmission of a communication over an electronic communications network. For the exemption to apply, the transmission of the communication must be impossible without the use of the cookie. Simply using a cookie to assist the communication is insufficient for the exemption to apply.

Harbour Medical Practice must note, in particular, that cookies used for analytical purposes or those used for marketing and advertising will always need consent as they are considered to be non-essential. This guidance may change as the latest draft legislation is subject to some challenges on this point.

Harbour Medical Practice must read the ICO's cookie guidance available at: <https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/> for further information on the types of cookie that require consent.



## 5. Procedure

**5.1** Harbour Medical Practice will consider whether or not it collects personal data via its website (for example, via enquiry forms, requests to be sent newsletters, requests for provision of services) and whether it needs a Privacy Policy. Harbour Medical Practice acknowledges that the use of cookies constitutes processing of personal data via the website.

**5.2** Harbour Medical Practice will adapt the Privacy Policy before uploading it to its website to ensure that all aspects of the Privacy Policy are relevant and reflect the ways in which Harbour Medical Practice processes personal data collected via its website.

Where Harbour Medical Practice has any concerns or queries in relation to its own Privacy Statement, Harbour Medical Practice will seek legal advice.

**5.3** Harbour Medical Practice will use the Fair Processing Notice template to inform all other Data Subjects, including Patients, about how Harbour Medical Practice processes personal data other than personal data collected via the website.



## 6. Definitions

### 6.1 Cookies

- ┆ Cookies are small files which are stored on a user's computer. They are designed to hold a modest amount of data specific to a particular client and website and can be accessed either by the web server or the client's computer

### 6.2 Data Subject

- ┆ The individual whom Harbour Medical Practice has collected personal data

### 6.3 Data Protection Act 2018

- ┆ The Data Protection Act 2018 is a United Kingdom Act of Parliament that updates data protection laws in the UK. It sits alongside the General Data Protection Regulation and implements the EU's Law Enforcement Directive

### 6.4 UK GDPR

- ┆ **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It became enforceable on 25 May 2018
- ┆ References to GDPR include references to the UK GDPR
- ┆ The UK GDPR is the retained EU law version of GDPR that forms part of English law

### 6.5 Personal Data

- ┆ Any information about a living person including but not limited to names, email addresses, postal addresses, job roles, photographs, CCTV and special categories of data

### 6.6 Process or Processing

- ┆ Doing anything with personal data, including but not limited to collecting, storing, holding, using, amending or transferring it. Harbour Medical Practice does not need to be doing anything actively with personal data - at the point Harbour Medical Practice collects it, it is processing it

### 6.7 Special Categories of Data

- ┆ Has an equivalent meaning to "Sensitive Personal Data" under the Data Protection Act 2018. Special categories of data include but are not limited to medical and health records (including information collected as a result of providing health care services), {Care\_plan\_name}s and information about a person's religious beliefs, ethnic origin and race, sexual orientation and political views

### 6.8 The Information Commissioner's Office (ICO)

- ┆ The ICO is the UK's independent body set up to uphold information rights



## Key Facts - Professionals

Professionals providing this service should be aware of the following:

- ┆ The Privacy Policy applies to personal data collected via the website of Harbour Medical Practice



## Key Facts - People affected by the service

People affected by this service should be aware of the following:

- ┆ Personal data provided to Harbour Medical Practice via its website will be processed in accordance with the Privacy Policy at Harbour Medical Practice



## Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

**Please find the form below in the Forms section of the GDPR suite of policies within the QCS Management system:**

*Website Privacy Statement*

**BBC - What do I need to know about cookies?**

[What do I need to know about cookies? - Using the BBC](#)

**ICO cookie guidance:**

<https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/>

It is important for Harbour Medical Practice to note that the ePrivacy Regulation which is currently in the draft stage may change the way that consent is required for certain cookies, including analytic cookies. At the time of updating this policy, the draft suggests that using analytic cookies as a simple first-party data analytics tool to learn about website audiences in a non-intrusive way may not require explicit consent. The proposal suggests that cookie consent can be exempted when the data tracked is purely for analytical purposes and the data collected cannot identify an individual. However, it is yet unclear whether external services, such as Google Analytics, will benefit from this exemption.

If Harbour Medical Practice only uses analytical cookies for the purpose of learning about website audiences and its website is low risk, we suggest that Harbour Medical Practice may want to wait until the final draft of the ePrivacy Regulation is adopted, further guidance is issued, and website developers have the tools required before updating its cookie banner to seek explicit consent for analytic cookies.



## Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- 1 The wide understanding of the policy is enabled by proactive use of the QCS App
- 1 Harbour Medical Practice ensures that clear links are available to the privacy policy on its website and that, if a person inputs personal data into the website, they are directed to the policy and required to accept its terms
- 1 Harbour Medical Practice has modified the template privacy policy to ensure that it includes all information relevant to the collection of personal data via its website and has uploaded a copy to its website



## Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Cookies Example Policy Statement - GDPR08	When Harbour Medical Practice has no information on the use of cookies on its website (a Cookie Policy). It can be used with the Website Privacy Statement.	QCS

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## COOKIES WEBSITE STATEMENT

Cookies are small text files which a website may put on your computer or mobile device when you first visit the website. The cookies will help the website recognise your device the next time you visit. Web beacons or other similar files can also do the same thing. We use the term “cookies” in this policy to refer to all files that collect information in this way.

We use cookies to distinguish you from other users of the website. This helps us to provide you with a good experience when you use the website and also allows us to improve the services we provide to you. On revisiting the website, we will be able to obtain information about your previous visits and about your computer including where available, your IP address, operating system and browser type, for system administration *[and to report aggregate information to our advertisers]* *[insert an explanation about the information your cookies collect if it is necessary to expand on this]*. ***[If you do not report aggregate information to advertisers, you can delete the foregoing policy entry]***. This is statistical data about your browsing actions and patterns and does not identify you. For the same reason, we may obtain information about your general internet usage by using a cookie file which is stored on the hard drive of your computer.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are essential in order to enable you to move around the website and use its features, such as accessing secure areas of the website. Disabling them may mean you are not able to access parts of our website.
- **Analytical or performance cookies.** *We use these cookies to collect information about how visitors use the website, for instance which pages visitors go to most. This helps us to improve the way our website works, for example, by ensuring that users are finding what they are looking for easily. Some of these cookies are known as analytic cookies which allow us to monitor website traffic using industry accepted third parties. **[If you do not use analytical or performance cookies, you can delete this policy entry]**.*
- **Functionality cookies.** These cookies are used to recognise you when you return to our website and to remember changes you have made to things such as text size, fonts and other parts of the website you can change so we can personalise our content for you.
- **Targeting cookies.** *We use these cookies to record your visit to our website, the pages you have visited and the links you have followed. We will use this information to make our website and the advertising displayed on it more relevant to your interests. We may share this information with third parties for this purpose. **[If you do not use targeting cookies, you can delete this policy entry]**.*

For more details on the specific cookies we use, why we use them and when they will expire, please see **Part 1 of Appendix 1** of this Cookie Policy.

[Please note that third parties (such as advertising networks and providers of external services) may also use cookies on the website, over which we have no control. These cookies are likely to be analytical cookies, performance cookies or targeting cookies. **Part 2 of Appendix 1** of this Cookie Policy provides a list of the third parties who may use these cookies and the reasons for which they use them.] ***[If you do not use third parties for these services, you can delete this policy entry]**.*

Most browsers accept cookies automatically, but you can change your cookie preferences by adjusting your browser settings to refuse the setting of all or some cookies if you prefer. You can usually do this by visiting the “options” or “preferences” menu on your browser. Please note, however, that if you do this and choose to block all cookies (including essential cookies) we cannot guarantee that your experience will be as fulfilling as it would otherwise be, and you may not be able to access all or parts of our website.

Where we collect personal data as part of our use of cookies on the website, we will do so in accordance with our Privacy Policy ***[insert hyperlink to Privacy Policy]***.

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## Appendix 1

### Part 1 - Cookies used

Cookie Title Cookie Name	Purpose	More Information	Expiry
[Cookie Title] [Cookie Name]	[Insert description of the purpose for which the cookie is used]	[Insert link to external information where appropriate]	[Insert length of time cookie is available for, e.g. This cookie will expire after 2 years]

### Part 2 - Third-party cookies *[If you do not use third parties, you can delete this policy entry]*

Third-Party Name	Purpose
[Insert third party name, e.g. Google Analytics]	[Insert description of what the third party does with the information. This information will usually be found in the contractual documentation entered into with the third party (if any)]