

Privacy Notice for Patients

This notice lets you know what happens to any personal data which you give us or any that we may collect about you from other sources.

This privacy notice applies to personal information processed by or on behalf of the practice and from data supplied by you about your carers/family members.

This notice explains:

- Who we are, how we use your information and our Data Protection Officer
- What kinds of personal information about you do we process?
- What are the legal grounds for our processing of your personal information (including when we share it with others)?
- What should you do if your personal information changes?
- For how long is your personal information retained by us?
- What are your rights under the data protection laws?

The General Data Protection Regulation (GDPR) became law on 25th May 2018 and is a single EU wide regulation on the protection of confidential and sensitive information.

How we use your information and the law

Union Brae & Norham Practice is the 'controller' of the personal data you provide to us.

We collect basic personal data about you which does not include any special types of information or location-based information but does include name, address, contact details such as email and mobile numbers if provided to us. We will also collect sensitive confidential data known as 'special category personal data' in the form of health information, religious beliefs, ethnicity, and sex during the services provided for you and/or linked to your healthcare through other health providers and third parties.

Why do we need this information?

The healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received (from previous practices, NHS Trusts, walk in centres etc). These records help to provide you with the best possible healthcare.

NHS records may be on paper, electronic or a mixture of both. We use a combination of technology and protocols to ensure that your information is kept confidential and secure. Records which the practice may hold about you include the following information:

- Details about you such as address, emergency contact/next of kin information, carer information.
- Any contact the surgery has had with you such as appointments and home visits and details of treatment and care provided.
- Results of investigations such as laboratory tests, scans and xray reports
- Relevant information from other healthcare professionals.

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used within the practice for clinical audit, research and to monitor the quality of the service provided.

How do we lawfully use your data?

We need to know your personal, sensitive, and confidential data in order to provide you with healthcare services as a general practice. Under GDPR we will be lawfully using your information in accordance with:

Article 6, e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller.

Article 9, h) processing is necessary for the purpose of preventive 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 and social care systems.

How we maintain confidentiality of your records

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018
- The General Data Protection Regulations 2018
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff working for an NHS organisation has a legal obligation to keep information about you confidential. Our practice policy is to respect the privacy of our patients, their families and our staff and to ensure all personal data relating to our patients is protected. Confidentiality clauses are part of the Contract of Employment for directly employed staff and others who may work in the practice from time to time sign a confidentiality agreement.

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 these are exceptional circumstances ie emergency situations or where the law requires information to be passed on in the best interests of the patients under the Caldicott principles and safeguarding needs where adults and children need to be protected from the risk of harm. In those circumstances we do not need your consent to do this.

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the Practice Manager in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with legislative requirements.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified.

Medical research

Sometimes your information may be requested to support medical research when the law allows us to do so, for example, to learn more about why people get ill and what treatments might work best. This is very important because the use of information from GP medical records is very useful in developing new treatments and medicines.

We will only share information with medical research organisations with your explicit consent if the information is in an identifiable format or when the law allows.

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object.

Where do we store your data electronically?

All the data we process is done so by our staff in the practice but, for the purposes of IT hosting and maintenance, this information is held on central servers in the UK.

No third parties have access to your personal data unless the law allows them to and appropriate safeguards have been put in place.

How your information is shared so that the practice can meet legal requirements

The law requires Union Brae and Norham practice to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services.
- check that the care being provided is safe; ○ prevents infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. We must also share your information if a court of law orders us to do so.

NHS Digital is a national body which has legal responsibilities to collect information about health and social care services. It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.

This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.

More information about NHS Digital and how it uses information can be found at:

<https://digital.nhs.uk/home>

Care Quality Commission regulates health and social care services to ensure that safe care is provided. The law states that we must report certain serious events for example, when patient safety has been put at risk.

For more information about the CQC <http://www.cqc.org.uk/>

Public Health England

The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.

We will report the relevant information to local health protection team or Public Health England.

National screening programmes

The NHS provides national screening programmes so that certain diseases can be detected at an early stage. These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms, and a diabetic eye screening service.

The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme. More information can be found at: <https://www.gov.uk/topic/population-screening-programme> or speak to the practice.

For national screening programmes you can opt so that you no longer receive an invitation to a screening programme.

See: <https://www.gov.uk/government/publications/opting-out-of-the-nhs-populationscreening-programmes> or speak to the practice.

For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

Rights to object and the national data opt-out

There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.

NHS Digital - You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. This is called a 'Type 1' objection – you can ask your practice to apply this code to your record.

Please note: The 'Type 1' objection, however, will no longer be available after 2020. This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.

The national data opt-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons.

To opt-out or to find out more about your opt-out choices please go to NHS Digital's website.

Public health - Legally information must be shared under public health legislation. This means that you are unable to object.

Care Quality Commission - Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.

Court order - Your information must be shared if it ordered by a court. This means that you are unable to object.

Who are our partner organisations?

We may also have to share your data, subject to strict agreements on how it will be used, with the following organisations:

- NHS Trusts / Foundation Trusts
- GP's
- NHS Commissioning Services
- Independent contractors such as opticians and pharmacists
- Private sector providers such as diabetic eye screening and warfarin testing
- Ambulance Trusts
- Social Care Services
- Local Authorities
- Police and judicial services
- Education services
- Other data processors which you would be informed of

You will be informed who your data will be shared with and, in some cases, will be asked for consent when required.

Data we get from other organisations

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.

How long will we store your information?

We are required under UK law to keep your information and data for the full retention periods as required by the NHS Records management code of practice for health and social care and national archives. More information on this can be found online at:

<https://digital.nhs.uk/article/1202/Records-Management-code-of-Practice-for-Health-andSocial-Care-2016>.

How can you access, amend, move the personal data that you have provided?

You have various rights in relation to the data we hold for you. If you wish to access or amend your personal data, please contact us. We will seek to deal with your request without undue delay in accordance with the requirements of any applicable laws.

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

Right to withdraw consent

Where you have previously given consent to process your personal data for certain activities, ie research, you may withdraw your consent at any time.

Right to erasure

In certain situations (where we have processed your data unlawfully) you have the right to request us to erase this data. We will respond to your request within 30 days although we may be allowed to extend this period in certain cases and will only disagree with you if certain limited conditions apply. Where agreement is reached, we will delete your data.

Right of data portability

You have the right to transfer your data from us to another data controller. This is usually applicable where a patient leaves the practice and registers elsewhere. We will help with this using GP to GP electronic transfer and transfer of your hard copy notes.

Access to your personal information

Data Subject Access Requests give you the right under the Data Protection legislation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended if it is inaccurate. To request this, you need to do the following:

- Make the request in writing to the Practice Manager. You will need to give adequate information (full name, address and date of birth) and details of the request.

There is no charge to have a copy of the information held about you and we are required to respond to you within 30 days.

For information from hospital records you need to write to them directly.

What should you do if your personal information changes?

You should tell us so that we can update our records. This is especially important for changes to address or contact details so that, in an emergency, we have up to date information. From time to time the practice staff will ask you to confirm that the information that we currently hold is accurate.

Objections and Complaints

If you have concerns about how your information is managed, please contact the Practice Manager or the Data Protection Officer. If you are still unhappy following review by the practice, you have the right to complain to the Information Commissioners office:

Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545745 or email www.informationcommissioner.gov.uk

If you are happy for your data to be stored, used and extracted for the purposes described in this notice, then you do not need to do anything. If you have concerns about how your data is shared or would like to know more about your rights in respect of personal data, then please contact the Practice Manager in the first instance or Data Protection Officer at Northumberland CCG – details below.

The Data Protection officer for the Practice is:

Liane Cotterill

If you would like to contact the Data Protection Officer, please use the following Email:

liane.cotterill@nhs.net

Or you can write to the DPO at:

Liane Cotterill

Senior Governance Manager & Data Protection Officer

North of England Commissioning Support

Teesdale House

Westpoint Road

Thornaby

Stockton-on-Tees TS17 6BL