

# Privacy Notice - Brockwell Park Surgery

October 2020



## Your Information, Your Rights – How we use your personal information

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the GDPR Regulations.

The following notice reminds you of your rights in respect of the above legislation and how we, 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; and
- The management and clinical planning of services to ensure that appropriate care is in place.

## Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you. The practice's Caldicott guardian is Dr Tom Nolan. Caldicott Guardians are responsible for ensuring that their organisation adheres to the Caldicott principles for protecting the confidentiality of people's health and care information.

## What information do we collect and use?

All personal data must be processed fairly and lawfully, whether it is received directly from you or from a third party in relation to your care and we are committed to protecting your privacy.

'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.

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
- 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. 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?**

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.

For more information about use of data within the NHS please see <https://www.nhs.uk/your-nhs-data-matters/>

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

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.

- We share your medical records with other health professionals who are involved in providing you with care and treatment. This is only ever on a need-to-know basis and event by event.
- Some of your data is automatically copied to the Shared Care Summary Record. A Summary Care Record is a way of telling health and care staff important information about a person. It tells staff caring for someone about their medicines and allergies. This means they can look after the person if they are not at their usual doctor's surgery.
- Data may be used for risk stratification.
- We share some of your data with local out-of-hours provider
- Data about you is used to manage national screening campaigns such as flu, cervical cytology and diabetes prevention.
- Your data about you is used to manage the NHS and make payments.
- We share information when the law requires us to, for instance when we are inspected or reporting certain illnesses or safeguarding vulnerable people.

- Your data is used to check the quality of care provided by the NHS.
- We may also share medical records for medical research

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

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?**

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

- NHS Trusts / Foundation Trusts
- Local GP practices in order to deliver extended primary care services (eg extended hours hubs)
- NHS Commissioning Support Units
- 111 and Out of Hours Service
- 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

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.

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

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.

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?**

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.

In order to deliver the best possible service, the practice contracts Processors to process personal data, including patient data on our behalf. When we use a Processor to process personal data we will always have an appropriate legal agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by a Processor include:

- Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
- Delivery services (for example if we were to arrange for delivery of any medicines to you).
- Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

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

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

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. Another scheme, called the Local Care Record, allows healthcare professions in GP practices, local hospitals and community services see your medical notes. For instance, GPs can view medical notes or test results from an admission to hospital at King's or St Thomas's Hospital.

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.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask us 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.

### **If you want to say no to data sharing or being contacted by SMS.**

If you do not want your confidential information to be used for research and planning you can opt out of this. Please do this online at <https://www.nhs.uk/your-nhs-data-matters/> You will need your NHS number and a valid email address or telephone number. Patients who are unable to use the online facility can use a phone helpline to manage their choice –0300 303 5678. A paper print-and-post form is also available at <https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/other-ways-to-manage-your-choice/>

To opt out of your data being shared with the summary care record please go to <https://digital.nhs.uk/services/summary-care-records-scr/summary-care-records-scr-information-for-patients> to find the opt out form. Complete this form and hand it to one of our team.

To opt out of your data being shared for the local care record please see <https://www.kingshealthpartners.org/localcarerecord>.

We contact patients by text (SMS) message with appointment reminders, investigation results, and other notices related to direct patient care, such as a reminder that a review or blood test is due. You can opt out of receiving appointment reminders or results by text message by emailing [lamccg.brockwellparksurgery@nhs.net](mailto:lamccg.brockwellparksurgery@nhs.net) or speaking to a member of staff. If you contact us for clinical advice by email we may respond by email unless you expressly request us not to.

### **Change of Details**

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**

We support patients to access their medical records. We have an online service for booking appointments and repeat prescription requests. We are reviewing this service with a view to offering a more comprehensive online service that allows patients to see more detailed information including test results. You can also request access to all of the information that we hold within your medical records. This is known as the “right of subject access”. If you would like access to your GP record please fill in the subject access request form, available on our website or at reception. We will aim to respond as soon as possible but subject access requests may take up to 28 days for us to complete. 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.

## **Complaints**

In the event that you feel we have 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 us at the 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: 01625 545700 or online at [www.ico.gov.uk](http://www.ico.gov.uk)

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