

# **HOLLYGREEN PRACTICE**

## **Data Protection Privacy Notice for Patients**

### **Introduction**

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

This privacy notice applies to personal information processed by or on behalf of the practice.

This Notice explains

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

In accordance with the applicable data protection legislation in the UK (The Data Protection Act 2018) and the UK General Data Protection Regulation (UKGDPR) the practice responsible for your personal data is Hollygreen Practice.

This Notice describes how we collect, use, and process your personal data, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

### **How we use your information and the law.**

Hollygreen Practice is known as the 'Controller' of the personal data you provide to us.

We collect basic personal data about you and location-based information. This does include name, address and contact details such as email and mobile number etc.

We will also collect sensitive confidential data known as "special category personal data", in the form of health information, religious belief (if required in a healthcare setting) ethnicity, and sexual orientation through the delivery of services we provide to you and/or linked to your healthcare through other health providers or third parties.

### **Why do we need your information?**

The healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-In Clinic, etc). These records help to provide you with the best possible healthcare.

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

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information:

- Details about you, such as your address, your carer or 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.

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 GP practice for clinical audit 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 the UK General Data Protection Regulation, 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 purposes 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 or social care systems.*

This Privacy Notice applies to the personal data of our patients and the data you have given us about your carers/family members.

### **Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice.

A risk score is then arrived at through an analysis of de-identified information and is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary, your GP may be able to offer you additional services. Please note that you have the right to opt out of your data being used in this way – please see the section on Your

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Rights below.

## Medicines Management

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients under a processing arrangement with the Medicines Management Team at the local Integrated Care Board. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments.

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

The law requires the Practice to share information from your medical records in certain circumstances. Under the UK GDPR we will be lawfully using your information in accordance with:

Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject ....’

Article 9(2)(h) – ‘processing is necessary for the purpose of preventative ... medicine ... the provision of health or social care or treatment or the management of health or social care systems and services ...’

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,
- Prevent 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. Please see below for more information.

We must also share your information if a court of law orders us to do so.

## NHS England

NHS England (Previously known as 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 England, 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 England and how it uses the information can be found at:

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

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<https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-data-for-planning-and-research/transparency-notice>

This practice is supporting vital health and care planning and research by sharing your data with NHS England. For more information about this see the GP Practice Privacy Notice for General Practice Data for Planning and Research.

## Care Quality Commission (CQC)

The CQC regulates health and social care services to ensure that safe care is provided.

The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.

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

## Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other disease which threaten the health of the population.
- We will report the relevant information to the local health protection team or Public Health England.

For more information about Public Health England and disease reporting see:

<https://www.gov.uk/guidance/notifiable-disease-and-causative-organisms-how-to-report>

## National Screening Programmes

The NHS provides national screening programmes so that certain disease 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. The following sections of the UK GDPR allow us to contact patients for screening.

Article 6(1)(e) – ‘processing is necessary ... in the exercise of official authority vested in the controller ...’

Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services ...’

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

See <https://gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes>

More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the Practice.

### **Our commitment to data privacy and confidentiality**

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

- Data Protection Act 2018
- The UK General Data Protection Regulation
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management

In the circumstances where we are required to use personal identifiable information, we will only do this if:

- The information is necessary for your direct healthcare, or
- We have received explicit consent from you to use your information for a specific purpose, or
- There is an overriding public interest in using the information:
  - In order to safeguard an individual,
  - To prevent a serious crime or in the case of Public Health or other emergencies, to protect the health and safety of others, or
- There is a legal requirement that allows or compels us to use or provide information (e.g. a formal court order or legislation), or
- We have permission from the Secretary of State for Health and Social Care to use certain confidential patient identifiable information when it is necessary for our work.

Everyone working for the NHS has a legal and contractual duty to keep information about you confidential.

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Our practice policy is to respect the privacy of our patients, their families and our staff to maintain compliance with the UK General Data Protection Regulation (UKGDPR) and all UK specific Data Protection requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor, an appropriate contract (art 24-28) will be established for the processing of your information.

Where information is held centrally and used for statistical purposes, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose in an identifiable format. In some circumstances you can Opt-out of the surgery sharing any of your information for research purposes – Please see ‘Your Rights’ section below.

### **Where your consent is required**

We would like to use your name, contact details and email address to inform you of services that may benefit you, with your consent only. There may be occasions where authorised research facilities would like you to take part in innovations, research, improving services or identifying trends.

At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt out prior to any data processing taking place.

This information is not shared with third parties or used for any marketing and you can withdraw your consent at any time via phone, email or by information the Practice Data Protection Officer as below.

### **Where do we store your information?**

All the personal data we hold is processed and stored in the UK. Your information will not be sent outside of the UK where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

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

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## Who are our partner organisations?

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

- NHS Trusts / Foundation Trusts
- GP's
- Primary Care Networks
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Integrated Care Boards (ICB)
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSD)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Yorkshire Ambulance Service (YAS) – share the full patient record with their clinicians for direct care purposes and demographic details to allow direct appointment booking.
- Other 'data processors' which you will be informed of

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure. All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor an appropriate contract (UKGDPR Article 24-28) will be established for the processing of your information.

## 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 specified by the NHS Records management code of practice for health and social care and national archives requirements.

More information on records retention can be found online at Records Management Code of Practice – NHS Transformation Directorate [England.nhs.uk](https://www.england.nhs.uk/records/))

## Your Rights

Under the UK General Data Protection Regulation all individuals have certain rights in relation to the information which the practice holds about them. Not all rights apply equally to all our processing activity as certain rights are not available depending on the lawful basis for the processing. To get in touch about these, please contact us. We will seek to deal with

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your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

Examples of where rights may not apply – where our lawful basis is:

- Processing is necessary for the performance of a task carried out in the exercise of official authority vested in the controller – then rights of erasure, portability do not apply.
- Legal Obligation – then rights of erasure, portability, objection, automated decision making and profiling do not apply.

If you require further details please visit the Information Commissioner's Officer's website where further detail is provided in the section 'When does the right apply'.

These rights are:

- The right to be informed about the processing of your data
- The right to have that information amended in the event that it is not accurate
- The right to have the information deleted
- The right to restrict processing
- The right to have your data transferred to another organisation (data portability)
- The right to object to processing
- Rights in relation to automated decision making and profiling

Under the NHS Constitution you have the right to privacy and expect the NHS to keep your information confidential and secure.

You have the right to be informed about how your information is used.

Supporting these rights, patients in England also have the right under the NHS Constitution to request that their personal confidential data is not used for reasons other than their individual care and treatment. The process for applying this right is called the 'National Patient Data Opt-Out' this gives patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used for their individual care and treatment or also used for research and planning purposes.

However, there are exemptions to this, the national patient data opt-out applies unless:

- There is mandatory legal requirement or an overriding public interest for the data to be shared e.g. Adults and Children safeguarding.
- The opt-out does not apply when the individual has consented to the sharing of their



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data; or

- Where the data is anonymised in line with the Information Commissioner's (ICO) Code of Practice in Anonymisation.

To be compliant with the national data opt-out policy the practice has put procedures in place to review uses or disclosures of confidential patient information against the national data opt-out operational policy guidance.

If you believe the practice is using your personal information in a way you would object to contrary to your National Patient Data Op-Out request, you have the right to object and have your objections considered and where your wishes cannot be followed, to be told the reasons including the legal basis.

For further details of the national patient data opt out can be found at <https://www.nhs.uk/your-nhs-data-matters/>

### **Access to your personal information**

Data Subject Access Requests (DSAR): You have 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 should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the practice via email [safehavenc85023@nhs.net](mailto:safehavenc85023@nhs.net) – for information from the hospital you should write directly to them
- There is no charge to have a copy of the information held about you
- We are required to respond to you within one month
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified, and your records located.

### **What should you do if your personal information changes?**

You should tell us so that we can update our records please contact the Practice Manager as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number), the practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

### **Queries/Complaints**

Should you have any concerns about how your information is managed at the practice please contact the Practice Manager or the Data Protection Officer.

If you are still unhappy following a review by the GP practice, you have a right to lodge a complaint with a supervisory authority: you have a right to complain to the UK supervisory

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authority as below.

### **Information Commissioner:**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 1231113 or 01625 545745

<https://ico.org.uk/>

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer as below.

### **Data Protection Officer**

This practice has appointed Caroline Million to be the Data Protection Officer (DPO). She can be contacted by phone on 07912 975522 or via email on email: [caroline.million@nhs.net](mailto:caroline.million@nhs.net)

### **Changes**

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice Data Protection Officer.

### **Anonymised Information**

Sometimes we may provide information about you in an anonymised form. Such information is used to analyse population-level health issues and helps the NHS to plan better services. If we share information for these purposes, then none of the information will identify you as an individual and cannot be traced back to you.

### **Medical Examiners**

Following the death of any patients of Hollygreen Practice we are now obliged to inform the Medical Examiner Service.

Medical Examiner offices at acute trusts now provide independent scrutiny of non-coronial deaths occurring in acute hospitals. The role of these offices is now being extended to also covering deaths occurring in the community.

Medical examiner offices are led by medical examiners, senior doctors from a range of specialties including general practice, who provide independent scrutiny of deaths not taken

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at the outset for coroner investigation. They put the bereaved at the centre of the processes after the death of a patient by giving families and next of kin an opportunity to ask questions and raise concerns. Medical examiners carry out a proportionate review of medical records and liaise with doctors completing the Medical Certificate Cause of Death (MCCD).

The Practice will share any patient information with the service upon request.

### **Safeguarding**

The practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

Our legal basis for process for the General Data Protection Regulations (GDPR) purposes is:

Article 6(1)(e) '...exercise of official authority ...'.

For the processing of special categories data, the basis is:

Article 9(2)(b) – 'processing is necessary for the purposes of carrying out the obligations and specific rights of the controller or of the data subject in the field of employment and social security and social protection law ....';

### **GP Connect Service**

The GP Connect Service allows authorised clinical staff at NHS 111 to seamlessly access our practice's clinical system and book directly on behalf of a patient. This means that you should call NHS 111 and if the clinician believes you need an appointment with your GP practice, the clinician will access available appointment slots only (through GP Connect) and book you in. This will save you time as you will not need to contact the Practice direct for an appointment.

The Practice will not be sharing any of your data and the Practice will only allow NHS 111 to see available appointment slots. They will not even have access to your record. However, NHS 111 will share any relevant data with us, but you will be made aware of this. This will help your GP in knowing what treatment/service/help you may require.

Please note if you no longer require the appointment or need to change the date and time for any reason you will need to speak to one of our reception staff and not NHS 111.

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