Fair Processing Notice (Privacy Notice)

Your Personal Information – what you need to know

Your information, what you need to know

This privacy notice explains why we collect information about you, how that information will be used, how we keep it safe and confidential and what your rights are in relation to this.

Why we collect information about you

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received. These records help to provide you with the best possible healthcare and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form

Our Commitment to Data Privacy and Confidentiality Issues

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national Laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communications (EC Directive) Regulations.

Data we collect about you

Records which this GP Practice will hold or share about you will include the following:

- Personal Data – means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- Special Categories of Personal Data – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union

membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

- Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (e.g. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information 'given in confidence' and 'that which is owed a duty of confidence'. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.

- Pseudonymised - The process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their 'real world' identity.

- Anonymised – Data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place

- Aggregated - Statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

How we use your information

Improvements in information technology are also making it possible for us to share data with other healthcare organisations for the purpose of providing you, your family and your community with better care. For example it is possible for healthcare professionals in other services to access your record with your permission when the practice is closed. This is explained further in the Local Information Sharing at Appendix A.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment. The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.

How long do we hold information for?

All records held by the Practice will be kept for the duration specified by national guidance from NHS Digital, NHS Records Management Code of Practice 2021. Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our information asset registers, in line with the Records Management Code of Practice for Health and Social Care 2016.

Your right to opt out of data sharing and processing

The NHS Constitution states 'You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit: The NHS Constitution

Type 1 Opt Out

Type 1 opt outs are recorded locally by your GP practice and your practice will be able to remove your information from being shared with other organisations if it is not for your direct care. If you wish to have a local opt out applied please speak to the receptionist.

National data opt-out

The national data opt-out was introduced on 25 May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

By 2020 all health and care organisations are required to apply national data opt-outs where confidential patient information is used for research and planning purposes. NHS Digital has been applying national data opt-outs since 25 May 2018. Public Health England has been applying national data opt-outs since September 2018.

The national data opt-out replaces the previous 'type 2' opt-out, which required NHS Digital not to share a patient's confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to National data opt out programme

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters.

On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

Right of Access to your information (Subject Access Request)

Under Data Protection Legislation everybody has the right have access to, or request a copy of, information we hold that can identify you, this includes your medical record, there are some safeguards regarding what you will have access and you may find information has been redacted or removed for the following reasons;

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third-party information are adhered to

You do not need to give a reason to see your data. And requests can be made verbally or in writing. Although we may ask you to complete a form in order that we can ensure that you have the correct information you require.

Where multiple copies of the same information is requested the surgery may charge a reasonable fee for the extra copies.

You will need to provide proof of identity to receive this information.

If you would like to access your GP record online click HERE

Change of Details

It is important that you tell the surgery if any of your contact details such as your name or address have changed especially if any of your other contacts details are incorrect. It is important that we are made aware of any changes **immediately** in order that no information is shared in error.

Mobile telephone number

If you provide us with your mobile phone number, we may use this to send you text reminders about your appointments or other health screening information. Please let us know if you do not wish to receive text reminders on your mobile.

The practice can override dissent from sending SMS messages, to inform patients of emergency issues if there is a legitimate public interest.

Email address

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide. If you do not wish to receive communications by email please let us know.

Notification

Data Protection Legislation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

We are registered as a Data Controller and our registration can be viewed online in the public register at: http://ico.org.uk/what_we_cover/register_of_data_controllers

Any changes to this notice will be published on our website and in a prominent area at the Practice.

Data Protection Officer

Should you have any data protection questions or concerns, please contact our Data Protection Officer Caroline Sims: hiowicb.swanmedicalgroup@nhs.net

What is the right to know?

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However you can request this under a right of access request – see section above 'Access to your information'.

Right to Complaint

If you have concerns or are unhappy about any of our services, please contact the Operations Managers or Practice Business Manager.

For independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 0303 123 1113 Website: https://ico.org.uk/global/contact-us

The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under Data Protection Legislation. http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf

The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programs available to you, confidentiality, information and your right to complain if things go wrong.
https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england

Appendix A – The Practice will share your information with these organisations where there is a legal basis to do so.

Who we share your information with and why

Activity	Rationale
Integrated Care Board	**Purpose –** Anonymous information is shared to plan and design care services within the locality. **Legal Basis –** non identifiable data only. **Data Processor** – Hampshire and Isle of Wight Integrated Care Board
Individual Funding Requests – The CSU	**Purpose –** We may need to share your information with the IFR team for the funding of treatment that is not normally covered in the standard contract. **Legal Basis –** The clinical professional who first identifies that you may need the treatment will explain to you the information that is needed to be collected and processed in order to assess your needs and commission your care; they will gain your explicit consent to share this. **Data processor** – We ask NHS South, Central and West Commissioning Support Unit (CSU) to do this on our behalf.
Summary Care Records	**Purpose –** limited Personal identifiable data is shared with the Summary Care Record to help Healthcare Professionals help you when

	you contact them when the surgery is closed; or when you visit a healthcare organisation in another part of the country. **Legal Basis** – This is for your direct care and in an emergency – you can opt out of your record being shared. **Data Processor** – Central NHS database.
CHIE	**Purpose –** To provide Healthcare Professionals with complete, accurate and up to date information. This information comes from a variety of sources including GP practices, community providers, acute hospitals and social care providers. CHIE is used by GP out of hours, acute hospital doctors, ambulance service, GPs and others on caring for patients – you may opt out of having your information shared on this system. **Legal Basis** – This service is for your direct care and in an emergency. **Data Processor** – NHS SCW.
CHIA	**Purpose –** Is a database used for analysing trends in population health in order to identify better ways of treating patients. CHIA is a physically separate database, which receives some data from CHIE. Prior to this transfer from CHIE to CHIA patient identifiers are removed from the data. This includes names, initials, addresses, dates of birth and postcodes. NHS numbers are encrypted in the extract and cannot be read. This process is called 'pseudonymisation'. This subset of data does not include information typed in by hand, so there is no possibility of it containing references to family members or other people. It contains only coded entries for things like allergies and prescribed drugs. It is not possible to identify any patient by looking at the 'pseudonymised' data on the CHIA database. People who have access to CHIA do not have access to CHIE. Data in CHIA is used to plan how health and care services will be delivered in future, based on what types of diseases are being recorded and how many are being referred to hospital etc. Data is also used to help research into new treatments for diseases. **Legal basis –** You can opt out of this service **Data processor –** NHS SCW
Other GP practices within Hampshire and Isle of Wight Integrated Care Board in relation to the Same Day Access Service (SDAS)	**Purpose -** We will enable other GPs and staff in other GP practices to have access to your medical record to allow you to receive acute medical care within that service. **Legal Basis** – this service is for your direct care and is fully consented, permission to share your medical record will be gained prior to an

	appointment being made in the service and again once you are in the consultation. **Data processor** – Your registered surgery will continue to be responsible for your full medical record.
Community Nursing - Complex Care Team Diabetes Team Home Visiting Service Leg Ulcer Service Heart Failure Service Multi-Disciplinary Team District Nurses Midwives	**Purpose -** We will enable the Community Nursing Team to have access to your medical record to allow you to receive care from the community nurses for the services listed. **Legal Basis** – these services are for your direct care and is fully consented, permission to share your medical record will be gained prior to an appointment being made in the service **Data processor** – Your registered surgery will continue to be responsible for your full medical record
Pharmacists from the ICB	**Purpose –** to provide monitoring and advice in line with the national directive for prescribing. Anonymous data is collected by the ICB. **Legal Basis** – direct care. **Data Processor** – Hampshire and Isle of Wight Integrated Care Board.
MASH – Multi Agency Safeguarding Board - Safeguarding Children Safeguarding Adults	**Purpose –** We share information with health and social care authorities for safeguarding issues. **Legal Basis -** Because of public Interest issues, e.g. to protect the safety and welfare of Safeguarding we will rely on a statutory basis rather than consent to share information for this use. **Data Processor** – Multi Agency Safeguarding Authorities.
Risk Stratification	**Purpose –** Risk stratification is a process for identifying and managing patients who are at high risk of emergency hospital admission. Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission and primary care data collected from GP practice record systems. GPs will be able to identify which of their patients are at risk in order to offer a preventative service to them. **Legal Basis -** Risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority

	NHS England encourages GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable hospital admissions and to promote quality improvement in GP practices. **Data Processors** – NHS South, Central and West Commissioning Support Unit (CSU) to assist us with providing Risk Stratification tools. **Data Processing activities for Risk Stratification –** The GP practice instructs its GP IT system supplier to provide primary care data identifiable by your NHS Number. **Opting Out** - If you do not wish information about you to be included in our risk stratification programme, please contact the GP Practice. They can add a code to your records that will stop your information from being used for this purpose. Further information about risk stratification is available from:https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/
Quality monitoring, concerns and serious incidents	**Purpose –** We need to ensure that the health services you receive are safe, effective and of excellent quality. Sometimes concerns are raised about the care provided or an incident has happened that we need to investigate. You may not have made a complaint to us directly but the health care professional looking after you may decide that we need to know in order to help make improvements. **Legal Basis** – The health care professional raising the concern or reporting the incident should make every attempt to talk to you about this and gain your consent to share information about you with us. Sometimes they can do this without telling us who you are. We have a statutory duty under the Health and Social Care Act 2012, Part 1, Section 26, in securing continuous improvement in the quality of services provided. **Data processor** – We share your information with health care professionals that may include details of the care you have received and any concerns about that care. In order to look into these concerns we may need to talk to other organisations such as Hampshire and Isle of Wight Integrated Care Board as well as other Public bodies and Government agencies such as NHS Improvement, the Care Quality Commission, NHS England as well as the providers of your care.
Commissioning, planning, contract monitoring and evaluation	**Purpose –** We share aggregated, anonymous, patient data about services we have provided.

	Legal Basis - Our legal basis for collecting and processing information for this purpose is statutory. We set our reporting requirements as part of our contracts with NHS service providers and do not ask them to give us identifiable data about you. If patient level data was required for clarity and extensive evaluation of a service, consent will be gained for the surgery to share this information. **Data Processor** – Various organisations, ICB, third party organisations commissioned by the NHS to perform actuarial services, NHS England **eConsult** – anonymised aggregated numbers of contacts are shared for the online consultation tool.
National Registries	National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.
Care Quality Commission	CQC has powers under the Health and Social Care Act 2008 to access and use information where they consider it is necessary to carry out their functions as a regulator. CQC relies on its legal powers to access information rather than consent, therefore may use its powers to access records even in cases where objections have been raised. CQC Privacy Notice is ***available on the CQC website***
Surveys and asking for your feedback	Sometimes we may offer you the opportunity to take part in a survey that the practice is running. We will not generally ask you to give us any personal confidential information as part of any survey. **Legal Basis** – you are under no obligation to take part and where you do, we consider your participation as consent to hold and use the responses you give us. **Data Processor** – Survey Monkey, We love surveys
Research	**Purpose -** To support research oriented proposals and activities in our commissioning system **Legal Basis -** Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any research. If this is not possible then the organisation wishing to use your information will need to seek formal approval from The Independent Group Advising on the Release of Data (IGARD) Digital NHS UK - IGARD

	We may write to you offering you the opportunity to take part in research, for which your consent will be sought.
Screening	**Purpose -** To support disease monitoring and health prevention for specific patients **Legal Basis -** Your consent is sought either implicitly or explicitly. You are invited to be screened either by the practice or the screening provider directly. You can choose to consent or dissent at any point in the screening.
Hampshire County Council	**Purpose -** To support disease monitoring and health prevention for specific patients **Legal Basis -** Your consent is sought either implicitly or explicitly. You are invited to be screened either by the practice or the screening provider directly. You can choose to consent or dissent at any point in the screening.
NHS Trusts	**Purpose** – Personal information is shared with other secondary care trusts in order to provide you with direct care services. This could be hospitals or community providers for a range of services, including treatment, operations, physio, and community nursing, ambulance service. **Legal Basis** - The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care as stated below: **Processors** – Southern Health
Payments, Invoice validation	**Purpose -** Contract holding GPs in the UK receive payments from their respective governments on a tiered basis. Most of the income is derived from baseline capitation payments made according to the number of patients registered with the practice on quarterly payment days. These amount paid per patient per quarter varies according to the age, sex and other demographic details for each patient. There are also graduated payments made according to the practice's achievement of certain agreed national quality targets known as the Quality and Outcomes Framework (QUOF), for instance the proportion of diabetic patients who have had an annual review. Practices can also receive payments for participating in agreed national or local enhanced services, for instance opening early in the morning or late at night or at the weekends. Practices can also receive payments for certain national initiatives such as immunisation programs and practices may also receive incomes relating to a variety

	of non patient related elements such as premises. Finally there are short term initiatives and projects that practices can take part in. Practices or GPs may also receive income for participating in the education of medical students, junior doctors and GPs themselves as well as research. In order to make patient based payments basic and relevant necessary data about you needs to be sent to the various payment services. The release of this data is required by English laws. **Legal Basis** - Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is subject." And Article 9(2)(h) 'as stated below **Data Processors** – NHS England, ICB, Public Health
Patient Record data base	**Purpose –** Your medical record will be shared, in order that a data base can be maintained and managed in a secure way **Legal Basis -** Article 6(1)(e); "necessary… in the exercise of official authority vested in the controller' And Article 9(2)(h) as stated below **Processor** –EMIS
iGPR	**Purpose –** Your medical record will be shared in order that a report can be provided to agencies such as insurance companies or solicitors **Legal Basis –** Your consent will be required to share your record for this purpose **Processor –** iGPR
Accurx	**Purpose** – Your anonymous information will be shared in order to optimise your medication within your record. This will enable your GP to provide a more efficient medication regime. **Legal Basis** - Article 6(1)(e); "necessary… in the exercise of official authority vested in the controller' And Article 9(2)(h) as stated below **Processor** - FDB
Medicines Management Team	**Purpose** – your medical record is shared with the medicines management team, in order that your medication can be kept up to date and any changes can be implemented.

	Legal Basis - Article 6(1)(e); "necessary… in the exercise of official authority vested in the controller' And Article 9(2)(h) as stated below **Processor** – Hampshire and Isle of Wight Integrated Care Board MMT
Smoking cessation	Purpose – personal information is shared in order for the smoking cessation service to be provided. Legal Basis – consented Processor – Quit 4 Life
Continence and Stoma Service	Purpose – Improve patient care and provide better value and efficiencies, reduce waste. Legal Basis - Your consent is sought explicitly. You can choose to consent or dissent at any point.
Other organisations who provide support services for us	**Purpose - The Practice may use the services of additional organisations (other than those listed above), who will provide additional expertise to support the Practice.** **Legal Basis - We have entered into contracts with other organisations to provide some services for us or on our behalf.** **Confidential – Restore Datashred provide confidential waste destruction services** **AMS for the storage and transfer of patient notes** **Clinical Waste** **Continence and Stoma Service – for direct care in providing continence/stoma products and monitoring.** **Dementia Friendly** **Health Visitors** **i-Talk Counselling service** **NHS England use City Sprint to transfer medical records** **Palliative Nurses** **Signposters** **Springboard**
General Practice Extraction Service (GPES)	**Purpose**: The General Practice Extraction Service (GPES) collects information for a wide range of purposes including providing GP payments for services they deliver, such as immunisations.

	Anonymised data can be used without patient consent, and Patient Identifiable data may be used when the information is supported by law or directly benefits patient care. Further information is available at: https://digital.nhs.uk/services/general-practice-extraction-service Personal confidential and Special Category data will be extracted at source from GP systems for the use of planning and research. Requests for data will be approved by the NHS Health Research Authority. Patients can register an opt out from their data being used for research and future planning by NHS England by visiting https://www.nhs.uk/your-nhs-data-matters/ or calling by 0300 303 5678 **Processor**: NHS Digital
Microtech Surgery Pod	The Surgery Pod allows patients to enter basic information which can support their health care such as blood pressure, weight and height. Information entered is added to the patient medical record via a secure link. The Duty of Confidentiality is with explicit consent. Legal Basis Article 6.1.e – under authority vested in the controller. Article 9.2.h – for the management of health or social care.

Reviews of and Changes to our Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in March 2020.

Lawful basis for processing:

The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:

- Article 6(1)(e) '…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…'; and
- Article 9(2)(h) 'necessary for the purposes of preventative 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 and services..."