



# PRACTICE FAIR PROCESSING & PRIVACY NOTICE

## Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how 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 for our patients today and in the future.

### Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you.

### What information do we collect and use?

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

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:

- 'Personal data' meaning 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/HCN number/ CHI number*];

**And**

- 'Special category / sensitive data' 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.

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.

## **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:

- Local GP Practices in order to deliver extended primary care services
- NHS Trusts
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations commissioned to provide services by Southport

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.

Your information will not be transferred outside of the European Union.

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.

### **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.

## **Consent and Objections**

### **Do I need to give my consent?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

### **What will happen if I withhold my consent or raise an objection?**

You have the right to write to withdraw your consent to any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP Practice for further information and to raise your objection.

## **Health Risk Screening / Risk Stratification**

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, NHS number, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

Your GP will use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Southport and Formby CCG in accordance with the current Section 251 Agreement. Neither the CSU nor your local CCG will at any time have

access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.]

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

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

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems EMISWeb 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

Your record will be automatically setup to be shared with some or all of the organisations listed above , however you have the right to ask your GP to disable this function. This will mean that the information recorded by your GP will not be visible at any other care setting.

Sharing arrangements between this Practice and any of the above organisations will be covered by a legal data sharing agreement.

Additionally the clinician in any care setting covered by a sharing agreement will ask for your consent to view the record at each care episode. The other organisation will create an audit trail which will identify who has accessed your record under any agreement.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health 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.

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

## Invoice Validation

If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.

## Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”. If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to:

The Practice Manager  
**Ainsdale Medical Centre**  
66 Station Road  
Southport PR83QH

A subject access request does not need to be made in writing under GDPR but it will greatly assist us in processing your request in a timely way if you do.

There is no charge for a Subject Access Request under GDPR but the practice has a right to make a reasonable charge if the request is manifestly unfounded or excessive.

## Complaints

In the event that you feel your GP Practice has 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 the Practice Manager at:

The Practice Manager  
**Ainsdale Medical Centre**  
66 Station Road  
Southport PR83QH

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)

### Third Parties with whom we share your data

Name	Description	Can employees of the organisation access patient information?	GDPR statement
EMIS	Clinical system holds patient demographic and medical information – remote server	The servers and the connection to the practice are encrypted, so EMIS staff are not able to access patient information in this way. EMIS support staff are able to dial in remotely with the consent of our staff for problem solving.	<a href="https://supportcentre.emishealth.com/emis-group-and-the-gdpr-general-data-protection-regulation/">https://supportcentre.emishealth.com/emis-group-and-the-gdpr-general-data-protection-regulation/</a> (only accessible with a log in so information in Appendix 1)
Daisy and Oak Telecomms	Telephone system – call recording onto a server located within the practice	All the recordings are physically located within the practice. Support staff from Daisy are able to dial in remotely with the consent of our staff for problem solving.	<a href="https://daisygroup.com/privacy/">https://daisygroup.com/privacy/</a>  <a href="http://www.oak.co.uk/contact">http://www.oak.co.uk/contact</a>
MJog	SMS and smart messaging system between the practice and patients.	Patient's emis (clinical system) numbers are uploaded to MJog website. The website has an encrypted link to the patient database which is interrogated for the patient's name and mobile number. MJog employees would only have access to this identifiable information when troubleshooting – they will sometimes dial in to an HEMC staff member's PC with the consent of the member of staff to fix a problem.	<a href="https://www.mjog.com/privacy-policy/">https://www.mjog.com/privacy-policy/</a>  <a href="https://www.mjog.com/gdpr-approaches-new-data-protection-legislation/">https://www.mjog.com/gdpr-approaches-new-data-protection-legislation/</a>  <a href="https://www.mjog.com/data-protection-changes-weeks-away/">https://www.mjog.com/data-protection-changes-weeks-away/</a>

iGPR	iGPR is a software tool that assists us with creating insurance reports.	iGPR staff have no access to patient information as it is fully encrypted whilst being transmitted to the insurer.	<a href="http://www.igpr.co.uk/privacy/">http://www.igpr.co.uk/privacy/</a>
Docmail	Docmail is an external printing and mailing agency which we use to send large batches of letters.	Docmail hold address information and a copy of any letter being sent to you within the terms of their data retention policy.	<a href="http://www.cfhdocmail.com/tob.html">http://www.cfhdocmail.com/tob.html</a>
Informatics Mersyside	The practice's primary general IT support provider.	Healthcare Computing support staff are able to remotely dial in with the consent of our staff for problem solving.	<a href="https://www.healthcarecomputing.co.uk/policies/gdpr-policy/">https://www.healthcarecomputing.co.uk/policies/gdpr-policy/</a>
Notespace	Store patients paper medical records; produce photocopies when requested and remove confidential waste for secure disposal.	Representative comes to practice and scans Lloyd George record onto password protected CD which is then sent to patient or Solicitor. No patient data is taken off site.	Nothing is taken off site, so no privacy policy but copy of confidentiality agreement in Appendix 2
Lexacom	Dictation software which clinical staff use to dictate letters for the secretaries to type.	Lexacom support staff are able to dial in remotely with the consent of our staff for problem solving.	Waiting for information

MDU / MPS / MDDUS	Indemnity organisations	We will sometimes send by email or discuss by phone identifiable information when the organisation is supporting a GP in a patient complaint or litigation. Information will be redacted where possible.	<a href="https://www.themdu.com/privacy-policy">https://www.themdu.com/privacy-policy</a> <a href="https://www.medicalprotection.org/home/privacy-cookies-policy">https://www.medicalprotection.org/home/privacy-cookies-policy</a> <a href="https://www.mddus.com/mddus-policies/privacy-notice">https://www.mddus.com/mddus-policies/privacy-notice</a>
Numed	Numed provides software and support for our ECG machine.	Numed support staff can remotely dial in with the consent of our staff for problem solving.	<a href="https://www.numed.co.uk/gdpr-statement-of-compliance">https://www.numed.co.uk/gdpr-statement-of-compliance</a>
Health Intelligence	Manage recall and screening of diabetic patients for diabetic retinopathy	The Diabetic Eye Screening Programme is operated by Health Intelligence (commissioned by NHS England). This supports invitation for eye screening and ongoing care. This data may be shared with any Hospital Eye Services a patient is under the care of to support further treatment and with other healthcare professionals involved in patient care.	<a href="http://www.desphiow.co.uk/diabetic-eye-screening/privacy-notice/">http://www.desphiow.co.uk/diabetic-eye-screening/privacy-notice/</a>