

# Privacy Policy

Dr S Butler & Partners

**Policy:** **Privacy Policy**

**Date:** **25<sup>th</sup> May 2020**

**Next Review Date:** **25<sup>th</sup> May 2022**

**Policy Leads:** **Dr S Butler & Partners – Data Controller**

**Mrs J Jackson – Data Protection Officer**

The EU General Data Protection Regulation (GDPR) includes rules on giving privacy information to data subjects in Articles 12, 13 and 14. These are more detailed and specific than in the DPA and place an emphasis on making privacy notices understandable and accessible. Data controllers are expected to take ‘appropriate measures’.

Data controllers may need to include more information in their privacy notices, but we believe that by following the good practice recommendations in this code we will be well placed to comply with the GDPR regime. There is still discretion for data controllers to consider where the information required by GDPR should be displayed in different layers of a notice and the Practice have chosen the format herein.

The GDPR says that the information we provide to people about how we process their personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

These requirements are about ensuring that privacy information is clear and understandable for data subjects. They also make explicit what has always been set out as good practice. Following the advice in this code about the use of language, about adopting innovative technical means for delivering privacy information such as layered and just in time notices, and about user testing will help us to comply with the new provisions of the GDPR, as well as the current requirements of the DPA. The explicit emphasis on adapting privacy notices for children goes beyond what is currently required by the DPA. Data controllers processing children’s data will need to take account of the level of comprehension of the age groups involved and tailor their notices accordingly. The code seeks to address this in relation to making privacy notices accessible.

The GDPR includes a longer and more detailed list of information that must be provided in a privacy notice than the DPA does. There are also some differences in what we are required to provide, depending on whether we are collecting the information directly from data subjects or from a third party.

Following the advice in the code about planning privacy notices and mapping our information flows given us much of the detail we needed to meet these requirements.

# How Dr. S Butler & Partners (Western Road Surgery) uses your information to provide you with healthcare

**This practice keeps medical records confidential and complies with the General Data Protection Regulation.**

**We hold your medical record so that we can provide you with safe care and treatment.**

**We will also use your information so that this practice can check and review the quality of the care we provide. This helps us to improve our services to you.**

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, we will share information when they refer you to a specialist in a hospital or local community service; we will send details about your prescription to your chosen pharmacy; we may share your details with our Clinical Commissioning Group when you require individual funding for certain treatment or procedures etc.
- Information on how we share your information with organisations who are directly involved in your care can be requested from the Practice if needed. As a general rule, we usually try to share your medical information by e-referral to the relevant body or by sharing your GP record through the clinical system we use known as SystemOne (TPP). Both methods for sharing your information are secure and all NHS personnel are subject to codes of ensuring confidentiality and maintaining a high level of information governance.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record. You will have previously opted in to allow consent for us to undertake this. If you choose or now wish to withdraw consent please speak to one of the Receptionists and request a Summary Care Record Opt Out Form. For more information see: <https://digital.nhs.uk/summary-care-records>
- You have the right to object to information being shared for your own care. Please speak to the Practice Manager if you wish to object. You also have the right to request to have any mistakes or errors corrected.

## **National data opt-out**

The national data opt-out is a service that allows patients to opt out of their confidential patient information being used for research and planning.

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.

Patients can view or change their national data opt-out choice at any time by using the online service at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters) or by calling 0300 3035678.

By 2020 all health and care organisations are required to be compliant with the national data opt-out policy. NHS Digital and Public Health England are already compliant and are applying national data opt-outs.

To find out more about the benefits of data sharing, how data is protected, or to make/change your opt-out choice visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters)

## **Other important information about how your information is used to provide you with healthcare**

### **Registering for NHS care**

- All patients who receive NHS care are registered on a national database.
- This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
- The database is held by NHS Digital a national organisation which has legal responsibilities to collect NHS data.
- More information can be found at: <https://digital.nhs.uk/> or the phone number for general enquires at NHS Digital is 0300 303 5678

### **Identifying patients who might be at risk of certain diseases**

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
- This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used.
- Information which identifies you will only be seen by this practice although there are some circumstances where this information will be shared. Please see the section regarding National Screening Programmes or view the website <https://www.gov.uk/topic/population-screening-programmes>

## **Safeguarding**

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.
- These circumstances are rare.
- We do not need your consent or agreement to do this.
- Please see the Essex Safeguarding Children Board website by which we follow and are guided for our policy making <http://www.escb.co.uk>
- There may also be times when we need to share information with relevant agencies with regards to vulnerable adults. This is for their own safety and where we feel they may be at risk. Where there is capacity consent will be sought from you to undertake this.

## **How your information is used for medical research and to measure the quality of care**

We sometimes share information from medical records:

- 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;
- to participate in National Audit Programmes
- we will also use your medical records to carry out research within the practice.

This is important because:

- the use of information from GP medical records is very useful in developing new treatments and medicines;
- medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

We only share information for medical research with your explicit consent unless there is a national programme for sharing information with regards to a specific condition such as Diabetes. Where the programme is national then we are allowed to share data by automatic and electronic extraction from our clinical software programme. This data is

sent to NHS Digital a National body with legal responsibilities to collect such data.

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

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

The law requires us 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;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission, Basildon & Brentwood Clinical Commissioning Group, NHS England 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 Digital**

- 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 (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 diseases which threaten the health of the population.
- We will report the relevant information to 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-diseases-and-causative-organisms-how-to-report>

## Basildon & Brentwood Clinical Commissioning Group & NHS England

- Your name, NHS number, Date of Birth, Address and medical details that relate to the need for an application to be made on your behalf for specialist funding known as an individual funding request
- Your NHS number or hospital number in cases where we need further information or query information received from a hospital or service provider that has been commissioned by the Clinical Commissioning Group i.e. Basildon Hospital
- Invoice validation is an important process. It involves using your NHS number for the CCG or NHS England, who are responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.
- CCGs support local GP practices with a Medicines Management Team who help with prescribing queries which generally don't require identifiable information unless they are having to approach or seek specific forms/brands of medication on our

behalf for you. Where specialist support is required e.g. to order a drug that comes in solid form, in gas or liquid, the CCG medicines management team may order this on behalf of the practice to support your care.

## **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-programmes> or speak to the practice.

## **We are required by law to provide you with the following information about how we handle your information**

<b>Data Controller</b> contact details	Dr S Butler of Dr S Butler & Partners, Western Road Surgery, 41 Western Road, Billericay, Essex. CM12 9DX Telephone: 01277 658117 Fax: 01277 658117 Email: <a href="mailto:admin.mailboxf81013@nhs.net">admin.mailboxf81013@nhs.net</a>
<b>Data Protection Officer</b> contact details	Mrs J Jackson, Practice Manager, Dr S Butler & Partners, Western Road Surgery, 41 Western Road, Billericay, Essex. CM12 9DX Telephone: 01277 624599 Email: <a href="mailto:julie.jackson4@nhs.net">julie.jackson4@nhs.net</a>
<b>Purpose</b> of the processing	<ul style="list-style-type: none"><li>• To give direct health or social care to individual patients.</li><li>• For example, when a patient agrees to a referral for direct care, such as to a hospital or community service, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.</li><li>• To check and review the quality of care. (This is called audit and clinical governance).</li></ul>
<b>Lawful basis</b> for processing	These purposes are supported under the following sections of the GDPR:  <i>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</i>  <i>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...’</i>

**Recipient or categories of recipients of the processed data**

Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.

The data will be shared with:

- Healthcare professionals and staff in this surgery and those attached to the surgery who operate from these premises such as the community midwife
- Local community services
- out of hours services;
- diagnostic and treatment centres;
- or other organisations involved in the provision of direct care to individual patients.

**Organisations Locally** - Listed below are some of the organisations we will share data with as detailed above however this list is not exhaustive:

Basildon & Thurrock University Foundation Hospital Trust  
Brentwood Community Hospital  
Queens Hospital  
Essex Partnership University Hospital Trust (EPUT)  
North East London Foundation Hospital Trust (NELFT)  
St Lukes Hospice (One Response Team/End of Life Team)  
Essex Social Services

**Rights to object**

- You have the right to object to information being shared between those who are providing you with direct care.
- This may affect the care you receive – please speak to the practice.
- You are not able to object to your name, address and other demographic information being sent to NHS Digital.
- This is necessary if you wish to be registered to receive NHS care.
- You are not able to object when information is legitimately shared for safeguarding reasons.
- In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.

**Right to access and correct**

- The information will be shared with the local safeguarding service under Essex County Council.
- You have the right to access your medical record and have any errors or mistakes corrected. Please ask to speak to one of the Secretaries in the first instance or look at our 'subject



SUBJECT ACCESS  
REQUESTS.doc

access request

- 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.

**Retention period**

GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016> or speak to the practice.

**Right to complain**

You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call the helpline **0303 123 1113**

**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.