

PRIVACYNOTICE

Data Protection is governed by the General Data Protection Regulation (GDPR) alongside the UK Data Protection Act 2018 and Coachmans Medical Practice must be able to demonstrate compliance at all times.

Understanding the requirements of the GDPR / DPA18 will ensure that personal data of both staff and patients is protected accordingly. We have published a new Privacy Notice to make it easier for you to find out how we use and protect your information. We will not be changing the way we use your personal information, but this notice will provide you with additional details such as:

- Your increased rights in relation to the information we hold about you
- How we keep your personal information secure
- The types of personal information we collect about you and how we collect and use it
- The legal grounds for how we use your information

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 provided

Data Controller: Coachmans Medical Practice. Our Registration number for the ICO (Information Commissioners Office) is Z5031557

Data Protection Officer: Trudy Slade– Please contact via the Practice

What information do we collect and use?

All personal data must be processed fairly and lawfully. NHS records may be electronic, on paper or a mixture of both. We use a combination of working practices and technology to ensure that your information is kept secure and confidential.

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;

‘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, 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 do we use this information?

Risk Stratification

To ensure that you receive the best possible care, your records will be used to facilitate the care you receive. Information held about you may be used to protect the health of the public and to help us manage the NHS. Information may also be used for clinical audit to monitor the quality of the service provided. In addition, your information will be used to identify whether you are at risk of a future unplanned hospital admission and/or require support to effectively manage a long-term condition. 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.

Medicines Management

The Practice may conduct Medicines Management reviews of medicines prescribed to its patients. This service performs a review of prescribed medicines to ensure patients receive the most appropriate, up to date and cost-effective treatments.

How is the information collected?

Your information will be collected either electronically using secure NHS Mail or a secure electronic transfer 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:

Other GP practices and GP federations, NHS Trusts/Foundation Trusts & NHS Commissioning Support Units, Clinical Commissioning Groups, Social Care Services, Health and Social Care Information Centre (HSCIC), Local Authorities, Education Services, other local Practices & Primary Care Networks (PCN's), Fire and Rescue Services, Community Health and Care Trust, 111 and Out of Hours Service, South East Coast Ambulance Service, West Sussex County Council (Adult Social Services and Community Care), Voluntary Support Organisations, Children's Local Safeguarding Board, Police and Judicial Services, and other data processors of which you will be informed.

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. You will be informed with whom your data will be shared and in some cases asked for explicit consent when required.

We may also use external companies to process information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

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...'

Who do we receive information from?

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition, we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve "out of hospital care".

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

Consent and Objections

Do I need to give my consent?

The GDPR sets a high standard for consent. 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.

The Practice Manager, Coachmans Medical Practice.

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 the Clinical Commissioning Group in accordance with the current Section 251 Agreement. The CCG will not 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 system, SystmOne, 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 and primary care networks, 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 trust hospitals, social care organisations and pharmacies.

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

Your electronic health record contains lots of information about you. In most cases, particularly for patients with complex conditions and care arrangements, the shared record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's

physical and mental health. Many patients are understandably not able to provide a full account of their care or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

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

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

Invoice Validation

If you have received treatment within the NHS, the local Commissioning Support Unit 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 2018 and General Data Protection Regulation 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 or verbally 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 be 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 ask at reception or submit a request via your Online Services portal.

You have other certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal confidential data we hold about you.

Right to be informed

You have the right to be informed about the collection and use of your data.

You also have the right to be notified of a data security breach concerning your personal data.

Right to be forgotten

You have the right to have your personal data erased. This right is not guaranteed and applies only in certain circumstances. This right does not apply to your medical record.

Right to restrict

You have the right to request the restriction of your personal data from being processed. This will restrict any ongoing processing but not erase any data we hold.

Right to rectification

You have the right to have inaccurate personal data rectified or completed if it is incomplete.

Right to object

You have the right to object to data processing of the information we hold about you, where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.

Rights in relation to automated decision making and profiling

We do not make any automated decisions or profile your personal data.

National Data Opt-Outs

The national data opt-out is a service that allows people to opt out of their confidential patient information being used for research and planning. It was introduced on 25 May 2018, providing a facility for individuals to opt-out from the use of their data for research or planning purposes. 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 has had it automatically converted to a national data opt-out from 25 May 2018 and has received a letter giving them more information and a leaflet explaining the new national data opt-out. If a patient wants to change their choice, they can use the new service to do this. You can find out more from the practice or by clicking here <https://www.nhs.uk/your-nhs-data-matters/>

Patients who have a type 1 opt-out

Some patients will have a type 1 opt-out registered with their GP practice, which prevents their confidential patient information leaving the practice for research and planning purposes. These existing type 1 opt-outs will continue to be respected until 2020. The Practice can no longer register patients for the type 1 opt-out and we would recommend those patients who are currently included in this scheme to visit: <https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>. We will be contacting these patients to inform them of their rights.

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:

Coachmans Medical Practice.

If you are still unhappy following a review by the GP practice, you can then complain to the Information **Commissioners Office (ICO)** via their website www.ico.gov.uk.

Tel: 0303 123 1113 or **01625 545 745** if you wish to use a national rate number.

Alternatively you can write to them at: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

If you are happy for your data to be extracted and used for the purposes described in this Privacy Notice, then you need not do anything.

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