

## ST WULFSTAN SURGERY FAIR PROCESSING & PRIVACY NOTICE

### Your Information, Your Rights

The Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR) require GP practices to be transparent and provide accessible information to patients about how their personal information is used.

The following notice reminds you of your rights in respect of the above legislation. It also explains how we will use your information for lawful purposes, in order to provide your care and help in the effective management of local NHS services

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 Protection Officer

This is someone who takes proper responsibility for the practice complying with data protection rules and has the knowledge, support and authority to carry out their role effectively. Our Data Protection Officer (DPO) is Judith Jordan, NHS Arden and Greater East Midlands Commissioning Support Unit, Westgate House, Market Street, Warwick, CV34 4DE

### Data Controller

St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG  
[istwulfstan@nhs.net](mailto:istwulfstan@nhs.net) 01926 810939

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

### Our right to process patients' data

The legal basis for us processing your data is Direct Care

### 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.

**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 allows 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
- Help 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 transfer over an NHS encrypted network connection. In addition, physical information will be sent to us. This information will be retained within your 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, the practice may share data (where required) with the following organisations:

- Local GP Practices and organisations in order to deliver extended-hours primary care services
- NHS organisations, including NHS England, South Warwickshire Clinical Commissioning Group (CCG) and Clinical Support Unit (CSU), Warwickshire Rural GP Network, South Warwickshire GP Federation, NHS Hospital Trusts and Mental Health Services

- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations commissioned to provide services by our local CCG

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 we can provide the appropriate care.

In addition, the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties includes:

- Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
- Payment providers (if for example you were paying for a service such as travel vaccinations).

In addition, we also 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”.

We use digital platforms to communicate with you by letter and text message, such as iMail, Docmail and AccurX Chain SMS.

We also share non-identifiable information with the Clinical Practice Research Datalink (CPRD).

## **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 build trust and enhance an organisation’s reputation. However, consent is only one potential lawful basis for processing information. Therefore we 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. We will contact you if we 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 at 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.

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

Electronic patient records are kept in most places where you receive healthcare. Our clinical computer system, EMIS Web, enables your record to be shared with organisations involved in your direct care, such as:

- Community services, including 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
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies
- Ambulance Trusts

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.

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.

Your record is automatically set-up 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.

### **National Data Extractions (Also known as GPES)**

The Health and Social Care Act 2012 allows NHS Digital to collate personal confidential data from GP practices without seeking your specific consent. This is extracted in order to make increased use of information from medical records and either used just by the NHS with the intention of improving healthcare and the quality of care delivered to patients or may be sold to external companies such as universities or commercial organisations. Please contact us if you do not want your data used in this way.

More information about how NHS Digital uses your data can be found at <http://content.digital.nhs.uk/gpes>

## 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 could be us, 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 medical record please visit our website ([www.stwulfstan.co.uk](http://www.stwulfstan.co.uk)) to register for online access. If you do not wish to register for online access, but would still like to access your records, please submit a request in writing to:

The Practice Manager, St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG

## Complaints

In the event that you feel that we have not complied with 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:

**St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG**

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)

*\*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.*

**NAME AND ADDRESS: ST WULFSTAN SURGERY, NORTHFIELD ROAD, SOUTHAM, CV47 0FG**

**EMAIL: [istwulfstan@nhs.net](mailto:istwulfstan@nhs.net)**

**PHONE: 01926 810939**

Review schedule: every 12 months

To be reviewed by: Practice Manager

Next review due: February 2020