



# BILLINGHAY MEDICAL PRACTICE

## GDPR PRIVACY NOTICE-PATIENTS

### What is a Privacy Notice?

A Privacy Notice (or 'Fair Processing Notice') is an explanation of what information the Practice collects on patients, and how it is used. Being transparent and providing clear information to patients about how a Practice uses their personal data is an essential requirement of the Data Protection Act 1998 (DPA).

Under the DPA, the first principle is to process personal data in a fair and lawful manner, and applies to everything that is done with patient's personal information. In practice, this means that the Practice must;

- have legitimate reasons for the use or collection of personal data
- not use the data in a way that may cause adverse effects on the individuals (e.g. improper sharing of their information with 3rd parties)
- be transparent about how you the data will be used, and give appropriate privacy notices when collecting their personal data
- handle personal data only as reasonably expected to do so
- make no unlawful use of the collected data

### Fair Processing

Personal data must be processed in a fair manner – the DPA says that information should be treated as being obtained fairly if it is provided by a person who is legally authorised or required to provide it. Fair Processing means that the Practice has to be clear and open with people about how their information is used.

Providing a 'Privacy Notice' is a way of stating the Practice's commitment to being transparent and is a part of fair processing, however you also need to consider the effects of processing on the individuals and patients concerned;

- What information are we collecting?
- Who collects the data?
- How is it collected?
- Why do we collect it?
- How will we use the data?
- Who will we share it with?
- What is the effect on the individuals?
- If we use it as intended, will it cause individuals to object or complain?

Conducting a Privacy Impact Assessment is an effective way of assessing whether you can safely collect or use patient data according to the DPA and Information Governance requirements. The Information Commissioners' Office has published guidance on carrying out a PIA and can be found here;

<https://ico.org.uk/media/for-organisations/documents/1595/pia-code-of-practice.pdf>

## **Data Controllers**

Under the Data Protection Act, the data controller is the person or organisation that will decide the purpose and the manner in which any personal data will be processed – they have overall control of the data they collect, and decide how and why it will be processed.

A GP Practice is a data controller for the patient information it collects, and should already have data processing arrangements with third parties (e.g. IT systems providers) to ensure they do not use or access data unlawfully; the data controllers will have ultimate responsibility for the Practices' compliance with the DPA.

## **Risk Stratification**

This is a process to identify and manage patients that are more likely to need secondary care – information is collected in order to assess their 'Risk Score' and is sent to NHS organisations to assess and return the results to the GP Practice. This is an acceptable way of assessing patients' needs and prevent ill health, however it is also regarded as a disclosure of personal information, and patients have the option to opt out of any data collection at the Practice, and needs to be made clear to them.

## **Invoice Validations**

If a patient has had NHS treatment, their personal information may be shared within a secure and confidential environment to determine which HB/CCG should pay for the treatment received. This means sharing identifiable information such as name, address, date of treatment etc. to enable the billing process.

## **Partner Organisations**

If the Practice shares information with any external organisations (within or outside the NHS), then let patients know by listing them. Partner organisations will usually include NHS organisations (hospitals, CCGs, NHS England etc.) other public sectors (Education, Police, Fire etc.) and any other Data Processors that may be carrying out specific project work with the Practice (e.g. Diabetes UK).

## **Access to Personal Information**

The DPA gives patients the right to view any information held about them – the 'Right of Subject Access'. Explain the process and who to contact. You can find your practice registration number by entering your Practice name in the 'Name' box here; <https://ico.org.uk/ESDWebPages/Search>

## **Medicines Management**

The Practice conducts Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided to practices within South West Lincolnshire by the South West Lincolnshire Clinical Commissioning Group (SWLCCG).

# BILLINGHAY MEDICAL PRACTICE

## PRACTICE PRIVACY NOTICE

### How we use your information

This privacy notice explains why we as a Practice collect information about our patients and how we use that information.

Billinghay Medical Practice manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in England such as the Department of Health and the General Medical Council.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 1998
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality and Information Security

As data controllers, GPs have fair processing responsibilities under the Data Protection Act 1998. In practice, this means ensuring that your personal confidential data (PCD) is handled clearly and transparently, and in a reasonably expected way.

The **Health and Social Care Act 2012** changed the way that personal confidential data is processed, therefore it is important that our patients are aware of and understand these changes, and that you have an opportunity to object and know how to do so.

The health care professionals who provide you with care maintain records about your health and any NHS treatment or care you have received (e.g. NHS Hospital Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be processed electronically, on paper or a mixture of both; a combination of working practices and technology are used to ensure that your information is kept confidential and secure. Records held by this GP practice may include the following information:

- Details about you, such as address and next of kin
- Any contact the practice has had with you, including appointments (emergency or scheduled), clinic visits, etc.
- Notes and reports about your health
- Details about treatment and care received
- Results of investigations, such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you

The practice collects and holds data for the sole purpose of providing healthcare services to our patients and we will ensure that the information is kept confidential. However, we can disclose personal information if:

- a. It is required by law
- b. You provide consent – either implicitly or for the sake of their own care, or explicitly for other purposes
- c. It is justified to be in the public interest

Some of this information will be held centrally and used for statistical purposes. Where we hold data centrally, we take strict and secure measures to ensure that individual patients cannot be identified.

Information may be used for **clinical audit** purposes to monitor the quality of service provided, and may be held centrally and used for statistical purposes. Where we do this we ensure that patient records cannot be identified.

Sometimes your information may be requested to be used for **clinical research** purposes – the practice will always endeavour to gain your consent before releasing the information.

Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care.

Patients can choose to withdraw their consent to their data being used in this way. When the practice is about to participate in any new data-sharing scheme we will make patients aware by displaying prominent notices in the surgery and on our website at least four weeks before the scheme is due to start. We will also explain clearly what you have to do to 'opt-out' of each new scheme.

A patient can object to their personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

### **Mobile Telephone**

If you provide us with your mobile phone number we may use this to send you reminders about any appointments or other health screening information being carried out. We will need your consent for us to send text reminders and it is important that you let us know if your contact details change. We may also use your contact details as a feedback mechanism about your experiences on the services we provide. The information you provide is anonymous and it is not compulsory for you to reply. If you do not wish to continue receiving SMS text reminders you may opt out by informing a member of the reception team at any time.

### **Practice Website**

Our Practice website [www.billinghaymedicalpractice.co.uk](http://www.billinghaymedicalpractice.co.uk) does use cookies to optimise your experience.

Using this feature means that you agree to the use of cookies as required by the EU Data Protection Directive 95/46/EC. You have the option to decline the use of cookies on your first visit to the website.

### **Risk Stratification**

Risk stratification is a process for identifying and managing patients who are at high risk of requiring emergency or urgent care. Typically this is because patients have a long term condition such as COPD, cancer or other medical condition at risk of sudden worsening. NHS England encourages GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to provide care plans and planned care with the aim to prevent avoidable admissions or other emergency care.

Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services.

**Please note that you have the right to opt out of Risk Stratification.**

Should you have any concerns about how your information is managed, or wish to opt out of any data collection at the practice, please contact the practice, or your healthcare professional to discuss how the disclosure of your personal information can be limited.

Patients have the right to change their minds and reverse a previous decision. Please contact the practice, if you change your mind regarding any previous choice.

## **Invoice Validation**

If you have received treatment within the NHS your personal information may be shared within a strictly monitored, secure and confidential environment in order to determine which Clinical Commissioning Group should pay for the treatment or procedure you have received.

Information such as your name, address and date of treatment may be passed on to enable the billing process - these details are held in a secure environment and kept confidential. This information will only be used to validate invoices, and will not be shared for any further commissioning purposes.

## **How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 1998 (which is overseen by the Information Commissioner's Office), Human Rights Act, the Common Law Duty of Confidentiality, and the NHS Codes of Confidentiality and Security. Every staff member who works for an NHS organisation has a legal obligation to maintain the confidentiality of patient information.

All of our staff, contractors and committee members receive appropriate and regular training to ensure they are aware of their personal responsibilities and have legal and contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and is strictly on a need-to-know basis.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), or where the law requires information to be passed on.

## **Who are our partner organisations?**

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations:

- NHS Trusts
- Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police
- Other 'data processors' which you will be informed of.

You will be informed who your data will be shared with and in some cases asked for explicit consent for this happen when this is required.

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

## **Access to personal information**

You have a right under the **Data Protection Act 1998** to access/view information the practice holds about you, and to have it amended or removed should it be inaccurate. This is known as 'the right of subject access'. If we do hold information about you we will:

- give you a description of it
- tell you why we are holding it
- tell you who it could be disclosed to
- let you have a copy of the information in an intelligible form

If you would like to make a 'subject access request', please contact the Practice Manager in writing. There is not usually a charge for this service, unless in certain and exceptional circumstances. Any changes to this notice will be published on our website and on the practice notice board.

The practice is registered as a data controller under the Data Protection Act 1998. The registration number is Z560201X and can be viewed online in the public register at <http://www.ico.gov.uk/>

Should you have any concerns about how your information is managed at our Practice, please contact our Practice Manager. If you are still dissatisfied, following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) via their website ([www.ico.gov.uk](http://www.ico.gov.uk)).

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

### **Three circumstances making disclosure of confidential information lawful are:**

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.

## **Change of Details**

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth or telephone number is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

## **Notification**

The Data Protection Act 1998 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information. This information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk). The practice is registered with the Information Commissioners Office (ICO).

## **Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is Nick Turner, Practice Manager. Any changes to this notice will be published on our website and displayed in prominent notices in the surgery.

The Practice is registered as a data controller under the Data Protection Act 1998

Z560201X registration can be viewed on-line in the public register at [www.ico.gov.uk](http://www.ico.gov.uk)

## Who is the Protection Officer?

The Data Protection Officer for Billingham Medical Practice is Dr Kenneth Leeper.

### Further information

Further information about the way in which the NHS uses personal information and your rights in that respect can be found in:

- The NHS Care Record Guarantee : <http://www.nigb.nhs.uk/pubs/nhscrg.pdf>
- The NHS Constitution : <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- NHS Digital's Guide to Confidentiality in Health & Social Care gives more information on the rules around information sharing : <http://content.digital.nhs.uk/article/4979/Assuring-information>

The Information Commissioner's Office (ICO) is the Regulator for the Data Protection Act 1998 and offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the [www.ico.gov.uk](http://www.ico.gov.uk)

<p>You have the right to object to our sharing your data, but we have an over-riding responsibility to do what is in your best interests. Please see below.</p> <p>We are required by Articles in the General Data Protection Regulations (GDPR) to provide you with the information in the following 9 subsections.</p>	
<b>Data Controller</b>	<p>Nick Turner, Practice Manager  Billinghay Medical Practice  Email: <a href="mailto:swlccg.c83030@nhs.net">swlccg.c83030@nhs.net</a></p>
<b>Data Protection Officer (DPO)</b>	<p>Until an external DPO can be appointed:  Dr K Leeper (Senior Partner)  Billinghay Medical Practice  Email: <a href="mailto:swlccg.c83030@nhs.net">swlccg.c83030@nhs.net</a></p>
<b>Purpose of the processing</b>	<p>Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.</p>
<b>Lawful basis for processing</b>	<p>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:</p> <p><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...'</i></p> <p><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></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"<sup>1</sup></p>
<b>Recipient or categories of recipients of the processed data</b>	<p>The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.</p>
<b>Rights to object</b>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller/Practice.</p> <p>You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<b>Right to access and correct</b>	<p>You have the right to access the data that is being shared and have any inaccuracies corrected.</p> <p>There is no right to have accurate medical records deleted except when ordered by a court of Law.</p>
<b>Retention period</b>	<p>The data will be retained in line with the current law and national guidance.</p> <p><a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a> or speak to the Practice.</p>
<b>Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner's Office (ICO) if you feel your data is not being used appropriately.</p> <p>You can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or by calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p>

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<sup>i</sup> “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament.