



## **PRACTICE FAIR PROCESSING & PRIVACY NOTICE**

### **Introduction:**

This privacy notice lets you know what happens to any personal data that you give to us, or any that we may collect from or about you.

This privacy notice applies to personal information processed by or on behalf of the practice.

This Notice explains

- Who we are, how we use your information and information about our Data Protection Officer?
- What kinds of personal information about you do we process?
- What are the legal grounds for our processing of your personal information (including when we share it with others)?
- What should you do if your personal information changes?
- For how long your personal information is retained by us?
- What are your rights under data protection laws?

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 became law on 25th May 2018. The GDPR is a single EU-wide regulation on the protection of confidential and sensitive information, the DPA 2018 deals with elements of UK law that differ from the European Regulation. These came into force in the UK on the 25th May 2018, repealing the previous Data Protection Act (1998).

For the purpose of applicable data protection legislation (including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the "GDPR"), and the Data Protection Act 2018 the practice responsible for your personal data is Pickering Medical Practice.

This Notice describes how we collect, use and process your personal data, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights

### **How we use your information and the law.**

Pickering Medical Practice will be what's known as the 'Controller' of the personal data you provide to us. We collect basic personal data about you which does include special types of information and location-based information. This does include name, address, medical conditions, contact details such as email and mobile number etc. We will collect sensitive confidential data known as "special category personal data", in the form of health information, religious belief (if required in a healthcare setting) ethnicity, and sex during the services we provide to you and or linked to your healthcare through other health providers or third parties.



## **Why do we need your information?**

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

NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Records which the Practice hold about you may include the following information;

- Details about you, such as your address, carer, legal representative, emergency contact details
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays etc
- Relevant information from other health professionals, relatives or those who care for you
- Contact details (including email address, mobile telephone number and home telephone number)

To ensure you receive the best possible care, your records are used to facilitate the care you receive, including contacting you. Information held about you may be used to help protect the health of the public and to help us manage the NHS and the services we provide. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided.

## **How do we lawfully use your data?**

We need to know your personal, sensitive and confidential data in order to provide you with Healthcare services as a General Practice, under the General Data Protection Regulation we will be lawfully using your information in accordance with: -

*Article 6, e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;"*

*Article 9, (h) processing is necessary for the purposes of preventive 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*

This Privacy Notice applies to the personal data of our patients and the data you have given us about your carers/family members.



### **Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from several sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information is only provided back to your GP as data controller in an identifiable form. 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 your data being used in this way.

### **Medicines Management**

Your GP Practice supports a medicines management review service of medications prescribed to its patients. This service involves a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. This service is provided by qualified and registered healthcare professionals from within the GP practice, our NHS Primary Care Network, NHS Vale of York Clinical Commissioning Group or by external partners approved by the GP practice. Patient identifiable information does not leave the practice system but is accessed to ensure only appropriate clinical recommendations or decisions are made for each patient. Each patient can opt out of (or back into) the practice using their data for anything other than specified purposes or where there is a lawful requirement to do so.

### **Patient Communication**

The Practice will use like to use your name, contact details and email address to inform you of NHS services, or provide inform about your health/information to manage your healthcare or information about the management of the NHS service. There may be occasions where authorised research facilities would like you to take part in research in regard to your particular health issues, to try improve your health, your contact details may be used to invite you to receive further information about such research opportunities.

### **Safeguarding**

The Practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

Our legal basis for processing For the General Data Protection Regulation (GDPR) purposes is: -

*Article 6(1)(e) '...exercise of official authority...'*

For the processing of special categories data, the basis is: -

*Article 9(2)(b) – 'processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...'*



## Research

Clinical Practice Research Datalink (CPRD) collects de-identified patient data from a network of GP practices across the UK. Primary care data are linked to a range of other health related data to provide a longitudinal, representative UK population health dataset. You can opt out of your information being used for research purposes at any time (see below), full details can be found here: -

<https://cprd.com/transparency-information>

## The legal bases for processing this information

CPRD do not hold or process personal data on patients; however, NHS Digital (formally the Health and Social Care Centre) may process 'personal data' for us as an accredited 'safe haven' or 'trusted third-party' within the NHS when linking GP data with data from other sources. The legal bases for processing this data are:

- Medicines and medical device monitoring: Article 6(e) and Article 9(2)(i) - public interest in the area of public health
- Medical research and statistics: Article 6(e) and Article 9(2)(j) - public interest and scientific research purposes

Any data CPRD hold or pass on to bona fide researchers, except for clinical research studies, will have been anonymised in accordance with the Information Commissioner's Office Anonymisation Code of Practice. We will hold data indefinitely for the benefit of future research, but studies will normally only hold the data we release to them for twelve months.

## Categories of personal data

The data collected by Practice staff in the event of a safeguarding situation will be as much personal information as is necessary or possible to obtain in order to handle the situation. In addition to some basic demographic and contact details, we will also process details of what the safeguarding concern is. This is likely to be special category information (such as health information).

## Sources of the data

The Practice will either receive or collect information when someone contacts the organisation with safeguarding concerns, or we believe there may be safeguarding concerns and make enquiries to relevant providers.

## Recipients of personal data

The information is used by the Practice when handling a safeguarding incident or concern. We may share information accordingly to ensure duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals (i.e. their GP or mental health team).



### **Third party processors**

In order to deliver the best possible service, the practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. 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.
- Delivery services (for example if we were to arrange for delivery of any medicines to you).
- Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

NHS Digital has been commissioned to develop and operate a series of services which support new models of care and allow health and care professionals to get the information they need to deliver the best possible care for patients. Together these services are known as the Digital Interoperability Platform, it brings together care information related to the patient at the point of care. The services support wider sharing of records along care pathways and across organisational boundaries.

The Direct Care APIs are part of the wider Digital Interoperability Platform. The GP Connect service allows GP practices and clinical staff to share GP Practice clinical information and data between IT systems, quickly and efficiently via Application Programming Interfaces (APIs). These APIs make data from clinical systems available in a standard format that can be used across different systems and be made available to clinicians who need access to the data for direct patient care. From a privacy/data protection perspective, the service provides more secure information transfer using the APIs, removing the need to use less secure methods of information transfer, such as email or fax.

Further details regarding specific third party processors can be supplied on request.



### **Summary Care Record supplementary transparency notice**

During the height of the pandemic changes were made to the Summary Care Record (SCR) to make additional patient information available to all appropriate clinicians when and where they needed it, to support direct patients care, leading to improvements in both care and outcomes.

These changes to the SCR will remain in place, unless you decide otherwise.

Regardless of your past decisions about your Summary Care Record preferences, you will still have the same options that you currently have in place to opt out of having a Summary Care Record, including the opportunity to opt-back in to having a Summary Care Record or opt back in to allow sharing of Additional Information.

You can exercise these choices by doing the following:

1. **Choose to have a Summary Care Record with all information shared.** This means that any authorised, registered and regulated health and care professionals will be able to see a detailed Summary Care Record, including Core and Additional Information, if they need to provide you with direct care.
2. **Choose to have a Summary Care Record with Core information only.** This means that any authorised, registered and regulated health and care professionals will be able to see limited information about allergies and medications in your Summary Care Record if they need to provide you with direct care.
3. **Choose to opt-out of having a Summary Care Record altogether.** This means that you do not want any information shared with other authorised, registered and regulated health and care professionals involved in your direct care. You will not be able to change this preference at the time if you require direct care away from your GP practice. This means that no authorised, registered and regulated health and care professionals will be able to see information held in your GP records if they need to provide you with direct care, including in an emergency.

To make these changes, you should inform your GP practice.

### **MinuteFul Kidney service for patients with diabetes (and/or other conditions)**

The data is being processed for the purpose of delivery of a programme, sponsored by NHS Digital, to monitor urine for indications of chronic kidney disease (CKD) which is recommended to be undertaken annually for patients at risk of chronic kidney disease e.g., patients living with diabetes. The programme enables patients to test their kidney function from home. We will share your contact details with Healthy.io to enable them to contact you and send you a test kit. This will help identify patients at risk of kidney disease and help us agree any early interventions that can be put in place for the benefit of your care. Healthy.io will only use your data for the purposes of delivering their service to you. If you do not wish to receive a home test kit from Healthy.io we will continue to manage your care within the Practice. Healthy.io are required to hold data we send them in line with retention periods outlined in the Records Management code of Practice for Health and Social Care. Further information about this is available at: [https://lp.healthy.io/minuteFul\\_info/](https://lp.healthy.io/minuteFul_info/).



## **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:

- Data Protection Act 2018
- The General Data Protection Regulations 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

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), where the law requires information to be passed on and / or in accordance with the information sharing principle following Dame Fiona Caldicott's information sharing review (Information to share or not to share) where "The duty to share information can be as important as the duty to protect patient confidentiality." This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles.

Our practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the General Data Protection Regulations (GDPR) and all UK specific Data Protection Requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor for Pickering Medical Practice an appropriate contract (art 24-28) will be established for the processing of your information.

In Certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the Data Protection Officer in writing if you wish to withdraw your consent. If some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative requirement.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose in an identifiable format. In some circumstances you can Opt-out of the surgery sharing any of your information for research purposes.



### **With your consent we would also like to use your information**

There are times that we may want to use your information to contact you or offer you services, not directly about your healthcare, in these instances we will always gain your consent to contact you. We would however like to use your name, contact details and email address to inform you of other services that may benefit you, with your consent only. There may be occasions where authorised research facilities would like you to take part on innovations, research, improving services or identifying trends.

At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt out prior to any data processing taking place.

This information is not shared with third parties or used for any marketing and you can unsubscribe at any time via phone, email or by informing the practice DPO as below.

### **National Opt-Out Facility**

***You can choose whether your confidential patient information is used for research and planning.***

### ***Who can use your confidential patient information for research and planning?***

*It is used by the NHS, local authorities, university and hospital researchers, medical colleges and pharmaceutical companies researching new treatments.*

### ***Making your data opt-out choice***

*You can choose to opt out of sharing your confidential patient information for research and planning. There may still be times when your confidential patient information is used: for example, during an epidemic where there might be a risk to you or to other people's health. You can also still consent to take part in a specific research project.*

### ***Will choosing this opt-out affect your care and treatment?***

*No, your confidential patient information will still be used for your individual care. Choosing to opt out will not affect your care and treatment. You will still be invited for screening services, such as screenings for bowel cancer.*



### **What should you do next?**

*You do not need to do anything if you are happy about how your confidential patient information is used.*

*If you do not want your confidential patient information to be used for research and planning, you can choose to opt out securely online or through a telephone service.*

***You can change your choice at any time. To find out more or to make your choice visit [nhs.uk/your-nhs-data-matters](https://nhs.uk/your-nhs-data-matters) or call 0300 303 5678***

### **Where do we store your information Electronically?**

All the personal data we process is processed by our staff in the UK however for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No 3rd parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place (Such as a Data Processor as above). We have a Data Protection regime in place to oversee the effective and secure processing of your personal and or special category (sensitive, confidential) data.

### **EMIS Web**

The Practice uses a clinical system provided by a Data Processor called EMIS, with effect from 10<sup>th</sup> June 2019, EMIS will start storing your practice's EMIS Web data in a highly secure, third party cloud hosted environment, namely Amazon Web Services ("AWS").

The data will remain in the UK at all times and will be fully encrypted both in transit and at rest. In doing this, there will be no change to the control of access to your data and the hosted service provider will not have any access to the decryption keys. AWS is one of the world's largest cloud companies, already supporting numerous public sector clients (including the NHS), and it offers the very highest levels of security and support.

### **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 / Foundation Trusts
- GP's
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts



- Clinical Commissioning Groups
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSD)
- Multi Agency Safeguarding Hub (MASH)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors' which you will be informed of
- Electronic Palliative Care Co-ordination System (EPaCCS) in Humber, Coast and Vale
- INRstar (Amazon Web Services)

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

**Computer System** This practice operates a Clinical Computer System on which NHS Staff record information securely. This information can then be shared with other clinicians so that everyone caring for you is fully informed about your medical history, including allergies and medication.

To provide around the clock safe care, unless you have asked us not to, we will make information available to trusted organisations. Wherever possible, their staff will ask your consent before your information is viewed.

We consider patient consent as being the key factor in dealing with your health information.

### **Shared Care Records**

To support your care and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other systems. The general principle is that information is passed to these systems unless you request this does not happen, but that system users should ask for your consent before viewing your record.

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. All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for Pickering Medical Practice an appropriate contract (art 24-28) will be established for the processing of your information.

### **Sharing your information without consent**

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- where there is a serious risk of harm or abuse to you or other people;
- where a serious crime, such as assault, is being investigated or where it could be prevented;
- notification of new births;



- where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS);
- where a formal court order has been issued;
- where there is a legal requirement, for example if you had committed a Road Traffic Offence.

### **How long will we store your information?**

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records management code of practice for health and social care and national archives requirements.

More information on records retention can be found online at (<https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>)

### **How can you access, amend move the personal data that you have given to us?**

Even if we already hold your personal data, you still have various rights in relation to it. To get in touch about these, please contact us. We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

**Right to object:** If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

**Right to withdraw consent:** Where we have obtained your consent to process your personal data for certain activities (for example for a research project), or consent to market to you, you may withdraw your consent at any time.

**Right to erasure:** In certain situations (for example, where we have processed your data unlawfully), you have the right to request us to "erase" your personal data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply. If we do agree to your request, we will Delete your data but will generally assume that you would prefer us to keep a note of your name on our register of individuals who would prefer not to be contacted. That way, we will minimise the chances of you being contacted in the future where your data are collected in unconnected circumstances. If you would prefer us not to do this, you are free to say so.

**Right of data portability:** If you wish, you have the right to transfer your data from us to another data controller. We will help with this with a GP to GP data transfer and transfer of your hard copy notes.



### **Access to your personal information**

Data Subject Access Requests (DSAR): You have a right under the Data Protection legislation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the Practice – for information from the hospital you should write direct to them
- There is no charge to have a copy of the information held about you
- We are required to respond to you within one month
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified, and your records located information we hold about you at any time.

### **What should you do if your personal information changes?**

You should tell us so that we can update our records please contact the Practice Manager as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number), the practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

### **Objections / Complaints**

Should you have any concerns about how your information is managed at the GP, please contact the GP Practice Manager or the Data Protection Officer as above. If you are still unhappy following a review by the GP practice, you have a right to lodge a complaint with a supervisory authority: You have a right to complain to the UK supervisory Authority as below.

Information Commissioner:  
Wycliffe house  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545745  
<https://ico.org.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 Data Protection Officer.

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer as below.



**Data Protection Officer:**

The Practice Data Protection Officer is Liane Cotterill Senior Governance Manager & Data Protection Officer for the North of England Commissioning Support.

. Any queries regarding Data Protection issues should be addressed to her at: -

Email: [liane.cotterill@nhs.net](mailto:liane.cotterill@nhs.net)  
Postal: North of England Commissioning Support  
John Snow House  
Durham University Science Park  
Stockton Road  
County Durham  
DH1 3YG

**Changes:**

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice Data Protection Officer.