

Version	Date Published	Review Status
3.0	May 2018	Reviewed and updated May 2018

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Hilary Cottage Surgery Privacy Notice

Your information, what you need to know

Our Privacy notice explains why the practice collects information about you and how that information may be used.

Why we collect information about you

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received within any NHS organisation. These records help to provide you with the best possible healthcare.

We collect and hold data for the sole purpose of providing healthcare services to our patients. In carrying out this role we may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

Details we collect about you

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.). Records held by us may include the following:

- Your personal data, such as address and next of kin;
- Your history with us, such as appointments, vaccinations, clinic visits, emergency appointments, etc.;
- Notes and reports about your health;
- Details about your treatment and care;
- Results of investigations and referrals such as blood tests, x-rays, etc; and
- Relevant information from other health professionals, relatives or those who care for you.

How we keep your information confidential & safe

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law. The NHS Digital Code of Practice on Confidential Information applies to all our staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive annual training on how to do this.

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NHS health records may be processed electronically, on paper or a mixture of both and through established working procedures and best practice coupled with technology we ensure your personal data is kept confidential and secure.

Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

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

- Data Protection Act 2018 & the EU General Data Protection Regulations (GDPR)
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015

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.

How we use your information

Under the powers of the Health and Social Care Act 2015, NHS Digital can request personal confidential data from GP Practices without seeking patient consent. 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.

You may choose to withdraw your consent to personal data being used in this way. When we are about to participate in a new data-sharing project we will make patients aware by displaying prominent notices in the Practice and on our website at least four weeks before the scheme is due to start. Instructions will be provided to explain what you have to do to 'opt-out' of each new scheme.

You can object to your 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.

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To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS.

Medical student placements

Our practice is involved in the training of medical students. As part of this programme medical students will work in the practice and may be involved in your care. If staff would like a student to be present they will always ask for your permission before the start of the consultation. The treatment or care you receive will not be affected if you refuse to have a student present during your appointment.

It is usual for GPs to discuss patient case histories as part of their continuing medical education or for the purpose of training GPs and/or medical students. In these situations the identity of the patient concerned will not be revealed.

Clinical Audit

Information may be used within the GP practice for clinical audit to monitor the quality of the service provided. 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 e.g. National Diabetes Audit.

Clinical Research

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

National Registries

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

Cabinet Office

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice.

View further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

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<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

Risk Stratification

Risk stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services. Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health and not just the treatment of sickness. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by Sollis and hosted by South, Central & West Commissioning Support Unit and provided back to this practice. If necessary we may be able to offer you additional services.

Risk stratification is commissioned by the NHS Clinical Commissioning Group (CCG) in this area. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information about risk stratification is available from: <https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose.

Department of Work and Pensions

The Department of Work and Pensions (DWP) extract information from GP records including the number of Meds3s, or "fit notes", and the numbers of patients recorded as "unfit" for work, or "maybe fit" to return. The data will then be published anonymously at Clinical Commissioning Group (CCG) level. Only DWP authorised officials will have access to practice level data.

Individual Funding Request

An 'Individual Funding Request' is a request made on your behalf, with your consent, by a clinician, for funding of specialised healthcare which falls outside the range of services and treatments that CCG has agreed to commission for the local population. An Individual Funding Request is taken under consideration when a case can be set out by a patient's clinician that there are exceptional clinical circumstances which make the patient's case different from other patients with the same condition who are at the same stage of their disease, or when the request is for a treatment that is regarded as new or experimental and where there are no other similar patients who would benefit from this treatment. A detailed

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response, including the criteria considered in arriving at the decision, will be provided to the patient's clinician.

Invoice Validation

Invoice validation is an important process. It involves using your NHS number to check the CCG that is 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.

Supporting Medicines Management

CCGs support local GP practices with prescribing queries which generally don't require identifiable information. CCG pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. 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 will order this on behalf of the practice to support your care.

Safeguarding

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

Summary Care Record (SCR)

The NHS in England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

Summary Care Records are there to improve the safety and quality of your care. SCR core information comprises your allergies, adverse reactions and medications. An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your agreement.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer

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from and any bad reactions to medicines you have had, in order to treat you safely in an emergency. Your records will stay as they are now with information being shared by letter, email, fax or phone.

If you wish to opt-out of having an SCR please return a completed opt out form to the practice.

Local sharing in Gloucestershire - Joining Up Your Information (JUYI)

Your patient record is held securely and confidentially on our electronic system. We want to provide you with the best care possible. If you require attention from a health professional such as an Emergency Department, Minor Injury Unit or Out Of Hours location, those treating you are better able to give appropriate care if some of the information from your GP patient record is available to them. This information can be locally shared electronically via the JUYI system.

The information is only used by authorised health and social care professionals in Gloucestershire-based organisations, involved in your direct care. Your permission will be asked before the information is accessed, unless the health and social care user is unable to ask you and there is a valid reason for access, which will then be logged.

If you do not wish to share your medical records outside of your practice you can opt out at any time by contacting the practice, but this might impact the care you receive.

Further information about JUYI can be found online at <http://www.juyigloucestershire.org/>

South Cotswold Improved Access Clinics

The GP practices in the South Cotswold region are working together as a cluster to improve access to primary care services for our patients. To do this practices are offering additional GP appointments between 6.30pm and 8.00pm on weekdays as well as a GP & Nurse clinic on a Saturday morning in Cirencester.

To treat you appropriately, the GP or Nurse you see will need access to your medical record and you will be asked for your consent to this when booking. When you arrive for your appointment, you will again be asked for consent to your record being accessed. If you have changed your mind and do not give your consent, then we will not be able to see you and you will need to re-book to be seen at your own surgery.

Mailing to patients

We use a printing company called Docmail to send bulk mailing to our patients. Data sent is encrypted and the Company puts it in a format to print a letter, posts via Royal mail and then deletes the information we send. A further information sheet is available on request.

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Data Retention

We will approach the management of patient records in line with the [Records Management NHS Code of Practice for Health and Social Care](#) which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

Who are our partner organisations?

We may also have to share your information, subject to strict agreements on how it will be used. The following are examples of the types of organisations that we are likely to share information with. In some cases you will be asked for explicit consent for this happen.

- NHS and specialist hospitals, Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private and Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups and NHS England
- Social Care Services and Local Authorities
- Education Services
- Police, Fire and Rescue Services
- Other 'data processors' during specific project work e.g. Diabetes UK

Your right to withdraw consent for us to share your personal information (Opt-Out)

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. Should you have any concerns about how your information is managed, wish to opt out of any data collection schemes, or change your mind to reverse a previous decision, then please contact the practice to discuss. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances we may still be legally required to disclose your data.

There are two main types of opt-out.

Type 1 Opt-Out

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a 'Type 1 Opt-Out'. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

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Type 2 Opt-Out

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a 'Type 2 Opt-Out'. For further information about Type 2 Opt-Outs, please contact NHS Digital Contact Centre at enquiries@hscic.gov.uk referencing 'Type 2 Opt-Outs – Data Requests' in the subject line; or call NHS Digital on (0300) 303 5678; or visit the website <http://content.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

If you wish to discuss or change your opt-out preferences at any time please contact the practice to discuss.

Access to personal information held about you

You have a right under the General Data Protection Regulations to find out what information is held by the Practice 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 respond to your request within one month and:

- give you a description of it;
- tell you why we are holding it;
- tell you who it could be disclosed to; and
- let you have a copy of the information in an intelligible form either in electronic or physical format

If you would like to make a 'subject access request', please contact reception.

There may be a charge for excessive requests for information.

Notification

We are registered as a data controller under the Data Protection Act 1998. Our registration number is **Z5628259**. The registration can be viewed online in the public register at:

http://ico.org.uk/what_we_cover/register_of_data_controllers

Changes to your details

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

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Mobile telephone numbers

If you provide us with your mobile phone number we may use this to talk to you, send you text messages or leave voice mail messages for the following purposes:

- Reminders about your appointments
- Missed appointments
- Health screening information
- Health promotion
- Updates from Clinicians about your care
- No patient identifiable details are included in text or voice messages unless consent is given

Please let us know if you do not wish to receive text messages or voice messages on your mobile phone.

Email

If you provide us with your email address we may use this for the following purposes:

- Information about your secondary care e-Referral
- Healthcare information such as Patient information leaflets as deemed appropriate by the clinician providing your care
- Invitations for screening and health promotion
- Administrative purposes when we may not have been able to reach you in other ways
- No patient identifiable details are included in email communication unless consent is given

We do not currently use email as a method for patients to communicate back to the Surgery. Should you not wish to be contacted in this way, please let us know.

Objections / Complaints

Should you have any concerns about how we manage your information is managed, please contact the Practice Manager. If, after contacting the Practice you are still unhappy, you can then complain to the Information Commissioners Office (ICO) via their website (www.ico.gov.uk).

If you are happy for your data to be extracted and used for the purposes described in this fair processing notice then you do not need to do anything.

If you **do not want** your personal data being extracted and leaving the GP practice for any of the purposes described, you need to let us know as soon as possible.

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We will then enter clinical codes into your records that will prevent data leaving the practice and / or leaving the central information system at NHS Digital for use by secondary providers.

Changes to this Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in May 2018.

Any changes to this notice will be published on the practice website and in a prominent area in the waiting room.

Further information

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

- **The NHS Care Record Guarantee** - The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under the Data Protection Act 1998.
<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>
- **The NHS Constitution:** <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- An independent review of how information about patients is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, Information: To share or not to share? The Information Governance Review, be found at: <https://www.gov.uk/government/publications/the-information-governance-review>
- **The Information Commissioner's Office (ICO)** is the Regulator for the Data Protection Act 2018 and The General Data Protection Regulations 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 Information Commissioner's Office website at www.ico.org.uk/for-the-public
- **NHS Digital** - NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.
<http://content.digital.nhs.uk/article/4963/What-we-collect>