

# UNDERWOOD HEALTH CENTRE

## PRACTICE PRIVACY NOTICE FOR 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 and a principle of General Data Protection Regulation (GDPR).

Under the DPA and GDPR, 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 3<sup>rd</sup> 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/GDPR 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 the practice 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/GDPR 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/GDPR.

### **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. This has been piloted in 22 practices across Wales but is not yet used at Underwood Health Centre.

### **Invoice Validations**

If a patient has had NHS treatment, their personal information may be shared within a secure and confidential environment to determine which Health Board 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, Health Boards, NCN, NHS Wales (Welsh Government) 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/GDPR 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>

# UNDERWOOD HEALTH CENTRE

## 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.

**Underwood Health Centre** manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in Wales such as NHS Wales 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
- General Data Protection Regulations (GDPR) March 2018 (to replace the DPA 1998)
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality and Information Security

Under Articles 6(1)(e) and 9(2)(h) of GDPR 2018 regulations, Processing of patient information is for direct patient care.

As data controllers, GPs have fair processing responsibilities under the **Data Protection Act 1998/GDPR 2018**. 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. An example of this is SAIL (Secure Anonymised Information Linkage System). More information on SAIL can be found at <https://saildatabank.com>. 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.

## **Practice Website**

Our Website may 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.

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.

## **Contact Details of the Practice**

Underwood Health Centre  
81 Birch Grove  
Llanmartin  
Newport  
NP18 2JB

Tel: 01633 413258

## **Contact Details Data Protection Officer**

Dr Alistair Church, Senior Partner contact details as above.

## **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 Health Board 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/GDPR 2018 (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.

GP records are held either manually or electronically at the practice until death.

## 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 Health Boards
- Specialist Health Organisations
- 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'

## Access to personal information

You have a right under the **Data Protection Act 1998/GDPR** to access/view information the practice holds about you, and to have it amended or removed should it be inaccurate (where the practice and patient disagree about accuracy a note can be added to the record to explain that the patient disagrees. The circumstances when information can be removed from medical records are extremely rare due to medico-legal reasons. 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 may be a charge for this service. 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 Z900389X and can be viewed online in the public register at <http://www.ico.gov.uk/>

## 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 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 Dr Alistair Church, Senior Partner, Underwood Health Centre. Any changes to this notice will be published on our website and displayed in prominent notices in the surgery.

The Partnership is registered as a data controller under the Data Protection Act Z900389X Our registration can be viewed on-line in the public register at [www.ico.gov.uk](http://www.ico.gov.uk) Patients have the right to complain to the ICO should they not be happy with how their data is being handled at the Practice.

## 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 Wales Informatics Service (NWIS) Guide to Information Governance gives more information on the rules around information sharing : <http://www.wales.nhs.uk/nwis/page/52618>

An independent review of 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>

Please visit the [NWIS](http://www.nwis.nhs.uk) web site for further information about their work. Information about their responsibility for collecting data from across the health and social care system can be found.

The Information Commissioner's Office 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)