

## HOW WE USE YOUR INFORMATION

### PRACTICE FAIR PROCESSING & PRIVACY NOTICE

#### Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR) 2018.

The following notice reminds you of your rights in respect of the above legislation and how your GP Practice will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

#### Data Controller

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

#### What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin and NHS number

## **And**

- ‘Special category / sensitive data’ such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations (i.e. x-ray, blood tests etc.), supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

## **Why do we collect this information?**

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public’s interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

## **How is the information collected?**

Your information will be collected either electronically using secure NHS Mail, a secure electronic transfer over an NHS encrypted network connection, digital media or via standard / recorded post. In addition physical information will be sent to your practice. This information will be retained within your GP’s electronic patient record or within your physical medical records.

## Who will we share your information with?

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services
- NHS Trusts
  - Musgrove Park Hospital
  - Yeovil District Hospital
  - Somerset Partnership
  - Dorset County Hospital
  - SWAST (Ambulance Service)
  - Royal United Hospitals Bath
  - Devon and Exeter NHS Foundation Trust
  - Other hospitals and NHS Trusts / Services as appropriate to clinical need
  - Private Health Organisations (i.e. Nuffield Health, BUPA, Alliance Healthcare)
  - RMC (Referral Management Centre – Somerset CCG)
  - Local Pharmacies
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Somerset County Council
- Educational Services
- Police, Fire and Rescue Services, DVLA
- Voluntary Support Organisations commissioned to provide services by Somerset CCG, Somerset Local Medical Council, South West Commissioning Support Unit

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

*[In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.]*

In addition to the standard NHS services, the practice will use carefully selected third party service providers to carry out its operations. (Listed below) When/if we use a third party service provider to process data on our behalf 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 requirements. We will also check to see that they are operating appropriately under GDPR and NHS regulations. (I.e. complete the Data protection toolkit where appropriate)

**We will where required share your information with other organisations (Data processors) for the reasons listed below:**

Organisation	Purpose
<b>Iemail (UKmail)</b>	To post documents to patients
<b>Docmail (CFHDocmail)</b>	To post documents to patients
<b>Royal Mail</b>	To post documents to patients
<b>Insurance Providers</b>	With Patient consent at Insurers / Patients request to provide pertinent information relating to a specific case
<b>Solicitors</b>	With Patient consent at Solicitors / Patients request to provide pertinent information relating to a specific case
<b>Lloyds Banking Group</b>	For the processing of card payments
<b>Egress Switch</b>	Transfer Data Securely
<b>EMIS Health</b>	IT System Provider – Process / Store Medical Records
<b>Lumeon</b>	IT System Provider – Process / Store Medical Records
<b>SCWCSU</b>	IT System Provider – Manage practice data storage
<b>Egton</b>	IT System Provider – Process / Store Practice Data
<b>Lumeria DX</b>	INR Patient Management Software
<b>Creative Carparks</b>	Car Park management and ticket Issuing
<b>Treeview Designs</b>	Website Management
<b>Interface Clinical Services</b>	Clinical Pharmacists aiding in management of Chronic Conditions
<b>Maple</b>	Nurses aiding in management of Chronic Conditions
<b>Ardens Ltd / Qmasters</b>	Clinical Decision making software suppliers
<b>Mjog</b>	SMS Messaging Service
<b>NHS Mail</b>	SMS Messaging Service
<b>Insight Solutions</b>	Data Quality Checking Service

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

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual



training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

## **Consent and Objections**

### **Do I need to give my consent?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

### **What will happen if I withhold my consent or raise an objection?**

You have the right to write to withdraw your consent to any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact the Practice for further information and to raise your objection.

## **National Data Opt Out Program**

### **“How the NHS and care services use your information”**

Diamond Health Group is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services



This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

**To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters).** On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Our organisation 'is currently' compliant with the national data opt-out policy.<sup>1</sup> "

## Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, NHS number, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

*[Your GP will use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Somerset CCG in accordance with the current Section 251 Agreement. Neither the CSU nor your local CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.]*

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

*[A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.]*

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

## Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems (such as EMIS, Eclipse, Black Pear, Rio, Trackcare, Carestream) enables your record to be shared with organisations involved in your direct care, such as:



- GP practices
- Community services such as district nurses, rehabilitation services, telehealth, out of hospital services and Midwives.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent. Please speak to a member of the reception team to make any changes.

## **NATIONAL DATA EXTRACTIONS (Also known as GPES)**

GPES is a national system that is used by NHS Digital to extract personal confidential information from GP Practice records across the country. The Health and Social Care Act 2012 allows NHS Digital to take this information without requesting your consent. The information is used by the NHS to improve the quality of care provided across its services. GP Practice records are used as they are a good reliable source of information. The information may also be sold to external companies such as commercial research agencies or universities. Please speak to reception if you do not want your information used in this way in part or in full. You can register your preferences on the national data opt out service at the following address:

<https://your-data-matters.service.nhs.uk/>

More information about how NHS Digital uses your information can be found at





<https://digital.nhs.uk/services/general-practice-gp-collections>

## Invoice Validation

If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.

## ICO Registration

We are registered with the Information Commissioners Office. Our registration Number is: **ZA178433**.

You can view our registration here: <https://ico.org.uk/ESDWebPages/Entry/ZA178433>

## Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”. If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure. This will be due to the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to:

The Practice Manager  
Hendford Lodge Medical Centre  
74 Hendford  
Yeovil  
Somerset  
BA20 1UJ

You may also be able to view your electronic record online using our patient online access portal, <https://patient.emisaccess.co.uk/Account/Login> To gain access to your records in this way please speak to a member of the reception team.



## Complaints

In the event that you need to raise a complaint against the practice, please send a letter in writing to:

Practice Manager (Diamond Health Group)  
Hendford Lodge Medical Centre  
74 Hendford  
Yeovil  
Somerset  
BA20 1UJ

## Data Protection Related Queries

In the event that you feel your GP Practice has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** to the data protection officer:

**FAO:** DPO  
Practice Manager  
Hendford Lodge Medical Centre  
74 Hendford  
Yeovil  
Somerset  
BA20 1UJ

**Data Protection Officer:** Somerset CCG

**Email:** [somccg.gpdpo@nhs.net](mailto:somccg.gpdpo@nhs.net)

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at [www.ico.gov.uk](http://www.ico.gov.uk)