

## **THE PADDOCK SURGERY**

### **THE GENERAL DATA PROTECTION REGULATIONS (GDPR)**

From the **25th May 2018** the ‘**General Data Protection Regulations**’ (**GDPR**) came in to force in the UK. We want to ensure that our patients have the information they need to understand how their Personal Health Data is processed, stored and shared.

Personal data issues are experiencing a high degree of media exposure and we want to assure patients that ‘Personal Health Data’ under **GDPR** has special protection that must be followed and adhered to. We know from experience that media coverage can cause a great deal of anxiety for patients – please always feel that you can speak to us so we can answer your questions and this will enable us to provide you with the correct information you need to base your decisions upon.

### **PRIVACY NOTICE AND FAIR PROCESSING INFORMATION**

#### **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).

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, The Paddock Surgery is 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 the 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.

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### **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, 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 or a secure electronic transferred over an NHS encrypted network connection. 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:

- NHS Trusts / Foundation Trusts
- Local GP Practices in order to deliver extended primary care services
- 111 and Out of Hours Service
- NHS Commissioning Support
- Local Social Services and Community Care services
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Support Organisations commissioned to provide services by North Kirklees CCG
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- NHS Digital
- Local Authorities
- Education Services
- Fire and Rescue Services

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- Police and Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors' which you will be informed of

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

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

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.

Your information will not be transferred outside of the European Union.

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".

### **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 your GP Practice for further information and to raise your objection.

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### **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 NKCCG 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 system 'SystemOne' 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 and out of hospital services.
- 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

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- Hospitals
- Social Care organisations
- Pharmacies

In addition, [NHS England/Scotland/Wales] have implemented the [Summary Care Record/ Emergency Care Summary/ Individual Health 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.

### **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.

### **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" (SAR). 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, however this will in the interests of your wellbeing or to protect the identity of a third party.

Patients can now have access to their medical records via Patient Access, you can also take advantage of booking your appointments, order repeat medications, view test results, view hospital letters and message the Practice with routine non-urgent messages – just ask any of our staff for details of how to register for online services. Alternatively if you do not have online access and if you would like access to your GP record please submit your request in writing to:

The Paddock Surgery, Chapel Lane, Thornhill, Dewsbury, WF12 0DH

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Requests for a copy of your medical records will be fulfilled within **one calendar month starting from the date the Practice is in receipt of your request.**

(In exceptional circumstances where it is not possible to comply within this period you will be informed of the delay and given a timescale for when your request is likely to be met).

### 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 are 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. You can also change your details by using the change of details form via this website.

### Complaints

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 Practice Manager at:

The Paddock Surgery, Chapel Lane, Thornhill, Dewsbury, WF12 0DH

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)

### Further information

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

The NHS Care Record Guarantee : <http://www.nigb.nhs.uk/pubs/nhscrg.pdf>

The NHS Constitution : <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

NHS Digital's Guide to Confidentiality in Health & Social Care gives more information on the rules around information sharing : <http://content.digital.nhs.uk/article/4979/Assuring-information>

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>

NHS England – Better Data, Informed Commissioning, Driving Improved Outcomes: Clinical Data Sets provides further information about the data flowing within the NHS to support commissioning.

Please visit the <https://digital.nhs.uk> for further information about their work. Information about their responsibility for collecting data from across the health and social care system can be found.

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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)

### **Website Privacy Policy**

The Paddock Surgery is committed to protecting the privacy of all individuals using this website.

This policy explains how we use any personal information we collect from you through <http://www.thepaddocksurgery.co.uk>

### **Collection of personal information**

You can access most of the pages on our website without giving us your personal information. However, you may choose to provide us with your personal information on some pages of the website, for instance by updating your personal contact details.

By submitting your personal information, you consent to our use of the information as set out in this privacy policy.

### **Use of personal information**

We shall use any personal information you give to us, in accordance with this policy, and with any additional statements appearing on forms used for submitting your personal information. We shall not disclose your personal information to any third parties without obtaining your prior consent unless we are required by law to do so. In particular:

We shall use your personal information to administer, and may respond to, your request.

We shall securely store the information you supply together with any response we may provide.

If you contact us regarding the website we may use your details to reply to you. If you make a comment or complaint about other aspects of the service we may use your details to investigate your comments.

### **Data storage**

All data obtained by The Paddock Surgery is held and used in compliance with the Data Protection Act 1998.

### **Links**

This website contains links to other sites. We are not responsible for the privacy practices of third parties that run any other websites. Please refer to their own privacy policies for more information.

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

You have a right under the Data Protection Act 1998 to ask us to provide you with the information we hold about you and to have any inaccuracies corrected. If you would like to access a copy of your information, please contact the Practice Manager using the following contact details:

Practice Manager, The Paddock Surgery, Chapel Lane, Thornhill, Dewsbury WF12 0DH  
Telephone: 01924 465 343