

## **Merchiston Surgery**

### **Privacy Notice**

#### **Your information, what you need to know**

This privacy notice explains why we collect information about you, how that information will be used, how we keep it safe and confidential and what your rights are in relation to this.

#### **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 and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form. The records will include basic details about you, such as your name and address. They will 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. from Hospitals, GP Surgeries, A&E, etc.). These records help to provide you with the best possible healthcare.

Records which this GP Practice will hold about you will include the following:

- Details about you, such as your address and next of kin
- 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

#### **How we keep your information confidential and safe**

Everyone working for our organisation 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 NHS 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 regular training on how to do this.

The health records we use will 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. 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 Legislation
- General Data Protection Regulation
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015
- And all applicable legislation

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if we reasonably believe that 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 (such as a risk of serious harm to yourself or others) or where the law requires information to be passed on.

### **How we use your information**

Improvements in information technology are also making it possible for us to share data with other healthcare organisations for the purpose of providing you, your family and your community with better care. For example it is possible for healthcare professionals in other services to access your record with your permission when the practice is closed. This is explained further in the Local Information Sharing section below.

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 for a number of specific purposes, which are set out in law. These purposes are explained below.

You can choose to withdraw your consent to your personal data being shared for these purposes. When we are about to participate in a new data-sharing project we will display 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 the new scheme. Please be aware that it may not be possible to opt out of one scheme and not others, so you may have to opt out of all the schemes if you do not wish your data to be shared.

You can object to your personal information being shared with other healthcare providers but should be aware that this may, in some instances, affect your care as important information about your health might not be available to healthcare staff in other

organisations. If this limits the treatment that you can receive then the practice staff will explain this to you at the time you object.

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.

### **Clinical audit**

Information will be used by the CCG for clinical audit to monitor the quality of the service provided to patients with long terms conditions. When required, information will be held centrally and used for statistical purposes (e.g. the National Diabetes Audit). When this happens, strict measures are taken to ensure that individual patients cannot be identified from the data.

### **Clinical Research**

We get requests from organisations to use our information for research purposes - we will always ask your permission before releasing any information for this purpose.

### **Improving Diabetes Care**

Information that does not identify individual patients is used to enable focussed discussions to take place at practice-led local diabetes review meetings between health care professionals. This enables the professionals to improve the management and support of these patients.

### **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 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 identify which CCG 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.

### **Local Information Sharing**

Your GP electronic patient record is held securely and confidentially on an electronic system managed by your registered GP practice. If you require attention from a health professional such as an Emergency Department, Minor Injury Unit or Out Of Hours service, the professionals treating you are better able to give you safe and effective care if relevant information from your GP record is available to them.

Where available, this information can be shared electronically with other local health and care providers via a secure system designed for this purpose. Depending on the service you are using and your health and care needs, this may involve the professional accessing a secure system that enables them to view relevant parts of your GP electronic patient record.

In all cases, your information is only accessed and used by authorised health and social care professionals in locally based organisations who are involved in providing or supporting your direct care. Your permission will be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the healthcare professional is unable to ask you and this is deemed to be in your best interests (which will then be logged).

### **National Fraud Initiative - 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 Data Protection legislation. Data matching by the Cabinet Office is subject to a Code of Practice. For further information see: <https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

### **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.

### **Risk Stratification/Case Finding and Profiling**

'Risk stratification for case finding' is a process for identifying and managing patients who have or may be at-risk of health conditions (such as diabetes) or who are most likely to need healthcare services (such as people with frailty). 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 before it develops.

Information about you is collected from a number of sources including NHS Trusts, GP Federations and your GP Practice. A risk score is then arrived at through an analysis of your de-identified information. This can help us identify and offer you additional services to improve your health.

Risk-stratification data may also be used to improve local services and commission new services, where there is an identified need. In this area, risk stratification may be commissioned by the Clinical Commissioning Group. 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 any risk stratification programmes, please let us know. We can add a code to your records that will stop your information from being used for this purpose. Please be aware that this may limit the ability of healthcare professionals to identify if you have or are at risk of developing certain serious health conditions.

## Safeguarding

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in 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 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.

## Supporting Medicines Management

The Medicines Optimisation Team (MOT) is commissioned by Swindon CCG to support GP Practices to ensure prescribing is both cost and clinically effective as well as safe. This work will usually comprise of audit work or medication reviews but may also include checking the medicines alongside hospital discharge or clinic letters if requested to do so by your GP practice.

The MOT also complete work in Swindon residential and nursing homes, requiring remote access to the GP records to safely and comprehensively conduct assessments and reviews of residents and document this live into patient records. Without this access, assessments are limited and there is a risk key clinical information regarding the resident could be missed impacting on patient care.

The MOT is comprised of a variety of healthcare professionals and as such, all have a duty of care and use clinical judgement to determine whether or not it is relevant or appropriate to access a patient record for the piece of work completed. As apart of being a healthcare professional, all members of the MOT do not access any records which are not required.

If there is a need to transfer patient identifiable information between the MOT, GP practices, and care/nursing homes this will be done securely. Records are not stored for longer than is absolutely necessary in accordance with Swindon CCG Information Governance policies.

## Doctor Link

To improve access to medical services and direct patients to the most appropriate treatment Merchiston Surgery is now using the Doctorlink App. When you register to use Doctorlink, you give explicit consent (permission) for Doctorlink to collect and use your personal information for the Services provided by Doctorlink. Doctorlink may share your personal information with the Surgery if you require an appointment or repeat prescription. Full details about how Doctorlink will process your personal information can be found on their privacy notice <https://www.doctorlink.com/privacy> notice/

## Call Recording

Recordings of telephone made and received by Merchiston Surgery may be used to support the learning and development of our staff and to improve the service we provide to our patients.

The telephone calls may also be used when reviewing incidents, compliments or complaints. Call recordings will be managed in the same way as all other personal information processed by the Surgery and in line with all current legislation.

## Legal Basis and Consent

For the purpose of Direct Patient Care in which an individual is receiving or in need of health care where there would be an expectation that information about that individual is shared between staff that can demonstrate a legitimate interest with the Patient

## Supporting Locally Commissioned Services

CCGs support GP practices by auditing anonymised data to monitor locally commissioned services, measure prevalence and support data quality. The data does not include identifiable information and is used to support patient care and ensure providers are correctly paid for the services they provide.

## Data Retention

We manage 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, with the following organisations:

- NHS Trusts
- Specialist Trusts
- GP Federations
- 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'

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function.

Within the health partner organisations (NHS and Specialist Trusts) and in relation to the above mentioned themes – Risk Stratification, Invoice Validation, Supporting Medicines Management, Summary Care Record – we will assume you are happy for your information to be shared unless you choose to opt-out (see below).

This means you will need to express an explicit wish to not have your information shared with the other organisations; otherwise it will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

### **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. If you do not want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. 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 confidential personal 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.

#### **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](mailto: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 [Reception](#):

NHS Digital is developing a new system to give you more control over how your identifiable information is used. We will tell you more once details are released.

### **Access to your information**

Under Data Protection Legislation everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data. If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld. We may charge a reasonable fee for the administration of the request.

If you wish to have a copy of the information we hold about you, please contact: [Reception for an application form](#)

### **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 are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

### **Mobile telephone number**

If you provide us with your mobile phone number we may use this to send you reminders about your appointments or other health screening information. Please let us know if you do not wish to receive reminders on your mobile.

### **Notification**

Data Protection Legislation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

We are registered as a Data Controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what we cover/register of data controllers](http://ico.org.uk/what_we_cover/register_of_data_controllers)

Any changes to this notice will be published on our website and in a prominent area at the Practice.

### **Complaints**

If you have concerns or are unhappy about any of our services, please contact the [Practice Manager](#).

For independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Phone: 0303 123 1113 Website: [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 here:

#### **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 Data Protection Legislation.

<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

#### **The NHS Constitution**

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programmes available to you, confidentiality, information and your right to complain if things go wrong.

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

#### **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>

#### **Reviews of and Changes to our Privacy Notice**

We will keep our Privacy Notice under regular review. This notice was last reviewed in May 2020.

## COVID-19 Privacy Notice Appendix

This appendix has been added to include any additional data processing completed by us during the Coronavirus (COVID-19) outbreak.

### Summary Care Record with Additional Information

In light of the current emergency, the Department of Health and Social Care has removed the requirement for your explicit consent prior to sharing additional information as part of the summary care record.

You can read more about the changes to your Summary Care Record here:

[Supplementary Privacy Notice for Summary Care Records](#)

### GP Connect in support of the National COVID-19 Response

To help the NHS during the COVID-19 outbreak, NHS Digital are improving the access that doctors, nurses and healthcare professionals have to medical records and information, so that they can more safely treat and advise patients who are not in their usual GP practice, who call 111 or are seen in hospitals and other healthcare settings.

You can read more about GP Connect here:

[GP Connect information for patients](#)

### GPES Data for Pandemic Planning and Research (COVID-19)

This practice is supporting vital coronavirus (COVID-19) planning and research by sharing your data with NHS Digital.

The health and social care system is facing significant pressures due to the coronavirus (COVID-19) outbreak. Health and care information is essential to deliver care to individuals, to support health, social care and other public services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the coronavirus outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations. This practice is supporting vital coronavirus planning and research by sharing your data with NHS Digital, the national safe haven for health and social care data in England.

### Our legal basis for sharing data with NHS Digital

NHS Digital has been legally directed to collect and analyse patient data from all GP practices in England to support the coronavirus response for the duration of the outbreak. NHS Digital will become the controller under the General Data Protection Regulation 2016 (GDPR) of the personal data collected and analysed jointly with the Secretary of State for Health and Social Care, who has directed NHS Digital to collect and analyse this data under the [COVID-19 Public Health Directions 2020](#) (COVID-19 Direction).

All GP practices in England are legally required to share data with NHS Digital for this purpose under the Health and Social Care Act 2012 (2012 Act). More information about this requirement is contained in the [data provision notice issued by NHS Digital to GP practices](#).

Under GDPR our legal basis for sharing this personal data with NHS Digital is Article 6(1)(c) - legal obligation. Our legal basis for sharing personal data relating to health, is Article 9(2)(g) – substantial public interest, for the purposes of NHS Digital exercising its statutory functions under the COVID-19 Direction.

### **The type of personal data we are sharing with NHS Digital**

The data being shared with NHS Digital will include information about patients who are currently registered with a GP practice or who have a date of death on or after 1 November 2019 whose record contains coded information relevant to coronavirus planning and research. The data contains NHS Number, postcode, address, surname, forename, sex, ethnicity, date of birth and date of death for those patients. It will also include coded health data which is held in your GP record such as details of:

- diagnoses and findings
- medications and other prescribed items
- investigations, tests and results
- treatments and outcomes
- vaccinations and immunisations

### **How NHS Digital will use and share your data**

NHS Digital will analyse the data they collect and securely and lawfully share data with other appropriate organisations, including health and care organisations, bodies engaged in disease surveillance and research organisations for coronavirus response purposes only. These purposes include protecting public health, planning and providing health, social care and public services, identifying coronavirus trends and risks to public health, monitoring and managing the outbreak and carrying out of vital coronavirus research and clinical trials. The British Medical Association, the Royal College of General Practitioners and the National Data Guardian are all supportive of this initiative.

NHS Digital has various legal powers to share data for purposes relating to the coronavirus response. It is also required to share data in certain circumstances set out in the COVID-19 Direction and to share [confidential patient information to support the response under a legal notice](#) issued to it by the Secretary of State under the Health Service (Control of Patient Information) Regulations 2002 (COPI Regulations).

[Legal notices](#) under the COPI Regulations have also been issued to other health and social care organisations requiring those organisations to process and share confidential patient information to respond to the coronavirus outbreak. Any information used or shared during the outbreak under these legal notices or the COPI Regulations will be limited to the period of the outbreak unless there is another legal basis for organisations to continue to use the information.

Data which is shared by NHS Digital will be subject to robust rules relating to privacy, security and confidentiality and only the minimum amount of data necessary to achieve the coronavirus purpose will be shared. Organisations using your data will also need to have a clear legal basis to do so and will enter into a data sharing agreement with NHS Digital. Information about the data that NHS Digital shares, including who with and for what purpose will be published in the NHS Digital [data release register](#).

For more information about how NHS Digital will use your data please see the [NHS Digital Transparency Notice for GP Data for Pandemic Planning and Research \(COVID-19\)](#).

### **National Data Opt-Out**

The application of the [National Data Opt-Out](#) to information shared by NHS Digital will be considered on a case by case basis and may or may not apply depending on the specific purposes for which the data is to be used. This is because during this period of emergency, the National Data Opt-Out will not generally apply where data is used to support the coronavirus outbreak, due to the public interest and legal requirements to share information.

### **Your rights over your personal data**

To read more about the health and care information NHS Digital collects, its legal basis for collecting this information and what choices and rights you have in relation to the processing by NHS Digital of your personal data, see:

- the [NHS Digital GPES Data for Pandemic Planning and Research \(COVID-19\) Transparency Notice](#)
- the [NHS Digital Coronavirus \(COVID-19\) Response Transparency Notice](#)
- the [NHS Digital General Transparency Notice](#)
- [how NHS Digital looks after your health and care information](#)