

## **CORNERWAYS SURGERY**

### **FAIR PROCESSING NOTICE (PRIVACY NOTICE)**

#### **Your Personal Information – what you need to know**

##### **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. 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.

##### **Our commitment to Data Privacy and Confidentiality Issues**

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/6879 (GDPR), the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communication (EC Directive) Regulations.

##### **Data we collect about you**

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

- Personal Data – means any information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- Special Categories of Personal Data – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely

identifying a neutral person, data concerning health or data concerning a natural person's sex life or sexual orientation.

- Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (eg. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information 'given in confidence' and 'that which is owed a duty of confidence'. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.
- Pseudonymised – The process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their 'real world' identity.
- Anonymised – Data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place.
- Aggregated – Statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

### **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 at Appendix A.

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.

**A full list of details including the legal basis any Data Processor Involvement and the purposes for processing information can be found in Appendix A.**

## **How long do we hold information for?**

All records held by the Practice will be kept for the duration specified by national guidelines from NHS Digital, Health and Social Care Records Code of Practice. Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our Information Asset Registers, in line with the Records Management Code of Practice for Health and Social Care 2016.

## **Your right to opt out of data sharing and processing**

The NHS Constitution states 'You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit: [The NHS Constitution](#)

### **Type 1 Opt Out**

This is an objection that prevents an individual's personal confidential information from being shared outside of their general practice except when it is being used for the purposes of direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. If you wish to apply a Type 1 Opt Out to their record they should make their wishes known to the Practice Manager.

### **National data opt-out**

The national data opt-out was introduced on 25<sup>th</sup> May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

By 2020 all health and care organisations are required to apply national data opt-outs where confidential patient information is used for research and planning purposes. NHS Digital has been applying national data opt-outs since 25 May 2018. Public Health England has been applying national data opt-outs since September 2018.

The national data opt-out replaces the previous "type 2" opt-out, which required NHS Digital not to share a patient's confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to [nationaldata.opt.out.programme](http://nationaldata.opt.out.programme)

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

### **Right of Access to your information (Subject Access Request)**

Under Data Protection Legislation everybody has the right to have access to or request a copy of information we hold that can identify you, this includes your medical record. There are some safeguards regarding what you will have access to and you may find information has been redacted or removed for the following reasons:

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third party information are adhered to

You do not need to give a reason to see your data and requests can be made verbally or in writing. Although we may ask you to complete a form in order that we can ensure that you have the correct information you require.

Where multiple copies of the same information is requested, the surgery may charge a reasonable fee for the extra copies.

You will need to provide proof of identity to receive this information.

If you would like to access your GP record please make enquires at the surgery.

### **Change of Details**

It is important that you tell the surgery if any of your contact details such as your name or address have changed especially if any of your other contact details are incorrect. It is important that we are made aware of any changes immediately in order that no information is shared in error.

### **Mobile telephone numbers**

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

### **Email address**

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide. If you do not wish to receive communications by email please let us know.

### **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.

### **Data Protection Officer**

Should you have any data protection questions or concerns, please contact our Data Protection Officer via the surgery

### **What is the right to know?**

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However, you can request this under a right of access request – see section above ‘Access to your information’.

### **Right to complain**

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: <https://ico.org.uk/global/contact-us>

### **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 programme 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>

Appendix A – The Practice will share your information with these organisations where there is a legal basis to do so.

<b>Activity</b>	<b>Rationale</b>
CCG	<p>Purpose – Anonymous data is used by the CCG for planning and performance as directed in the practice contract.</p> <p>Legal Basis – Contractual</p> <p>Processor – Coastal West Sussex CCG</p>
Summary Care Record	<p>Purpose – During the Covid-19 pandemic practices have been told to share details of patients personal confidential and special category data onto the summary care record. 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.</p> <p>Legal Basis – Direct Care</p> <p>The relevant COPI notice states that its purpose “... is to require organisations to process confidential patient information for the purposes set out in Regulation 3(1) of COPI to support the Secretary of State’s response to Covid-19 (Covid-19 Purpose). “Processing” for these purposes is defined in Regulation 3(2) and includes dissemination of confidential patient information to persons and organisations permitted to process confidential patient information under Regulation 3(3) of COPI”</p> <p>Full details of the Summary Care Record supplementary privacy notice can be found at <a href="https://digital.nhs.uk/services/summary-care-records-scr/sr-coronavirus-covid-19-supplementary-privacy-notice">https://digital.nhs.uk/services/summary-care-records-scr/sr-coronavirus-covid-19-supplementary-privacy-notice</a></p> <p>Patients have the right to opt out of having their information shared with the SCR by completion of the form which can be found at <a href="https://digital.nhs.uk/services/summary-care-records-scr/sr-patient-consent-preferences-form">https://digital.nhs.uk/services/summary-care-records-scr/sr-patient-consent-preferences-form</a> and returned to the practice. Please note that by opting out of having your information shared with the Summary Care Record could</p>

	<p>result in a delay care that may be returned in an emergency.</p> <p>Processor – NHS England and NHS Digital via GP connect</p>
Research	<p>Purpose – we may share personal confidential or anonymous information with research companies. Where you have opted out of having your identifiable information shared for this purpose your information will be removed.</p> <p>Legal Basis – consent is required to share confidential patient information for research, unless there is support under the Health Service (Control of Patient Information Regulations) 2002 ('section 251 support') applying via the Confidentiality Advisory Group in England and Wales.</p> <p>Processor – Clinical Practice Research Data Link Group (CPRD)</p>
Safeguarding Adults	<p>Purpose – We will share personal confidential information with the safeguarding team where there is a need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis – Because of public interest issues, eg. to protect the safety and welfare of vulnerable adults, we will rely on a statutory basis rather than consent to process information for this use.</p> <p>Data Processor – West Sussex Safeguarding Team</p>
Safeguarding Children	<p>Purpose – We will share childrens' personal information where there is a need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis – Because of public interest issues, eg. to protect the safety and welfare of safeguarding we will rely on a statutory basis rather than consent to share information for this use</p> <p>Data Processor – West Sussex Safeguarding Team</p>
<p>Public Health</p> <p>Screening programmes (identifiable)</p> <p>Notifiable disease information (identifiable)</p> <p>Smoking Cessation (anonymous)</p> <p>Sexual Health (anonymous)</p>	<p>Purpose – Personal identifiable and anonymous data is shared). The NHS provides national screening programmes so that certain diseases can be detected at an early stage. These currently apply to bowel cancer, breast cancer, aortic aneurysms and diabetic retinal screening service. The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.</p> <p>More information can be found at <a href="https://www.gov.uk/topic/population-">https://www.gov.uk/topic/population-</a></p>

	<p><a href="#">screeningprogrammes</a></p> <p>Legal Basis – Article 6(1)(e); “necessary ... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Data Processor – Public Health England</p>
NHS Trusts	<p>Purpose – Personal information is shared with other secondary care trusts in order to provide you with direct care services. This could be hospitals or community providers for a range of services, including treatments, operations, physio and community nursing, ambulance service.</p> <p>Legal Basis – The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions as stated below:</p> <p>Processors – Western Sussex Hospitals NHS Trust, Sussex Community Partnership Trust</p>
Care Quality Commission	<p>Purpose – The CQC is the regulator for the English Health and Social Care services to ensure that safe care is provided. They will inspect and produce reports back to the GP practice on a regular basis. The Law allows the CQC to access identifiable data.</p> <p>Legal Basis – Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.” And Article 9(2)(h) as stated below</p> <p>Processors – Care Quality Commission</p>
Payments, Invoice validation	<p>Purpose – Contract holding GPs in the UJ receive payments from their respective governments on a tiered basis. Most of the income is derived from baseline capitation payments made according to the number of patients registered with the practice on quarterly payment days. The amount paid per patient per quarter varies according to the age, sex and other demographic details for each patient. There are also graduated payments made according to the practice’s achievement of certain agreed national quality targets known as the Quality and Outcomes Framework (QOF), for instance the proportion of diabetic patients who have had an annual review. Practices can also receive payments for participating in agreed national or local enhanced services, for instance, opening early in the morning or late at night or at the</p>

	<p>weekends. Practices can also receive payments for certain national initiatives such as immunisation programmes and practices may also receive incomes relating to a variety of non patient related elements such as premises. Finally there are short term initiatives and projects that practices can take part in. Practices or GPs may also receive income for participating in the education of medical students, junior doctors and GPs themselves as well as research in order to make patient based payments basic and relevant necessary data about your needs to be sent to the various payment services. The release of this data is required by English laws. Legal Basis – Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.” And Article 9(2)(h) ‘as stated below</p> <p>Data Processor – NHS England, CCG, Public Health</p>
Patient Record data base	<p>Purpose – Your medical record will be shared, in order that a data base can be maintained and managed in a secure way.</p> <p>Legal Basis – Article 6(1)(c) “necessary ... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below.</p> <p>Processor - Emis</p>
Medicines Management Team	<p>Purpose – your medical record is shared with the medicines management team, in order that your medication can be kept up to date and any changes can be implemented.</p> <p>Legal Basis – Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below.</p> <p>Processor – Clinical Commissioning Group (CCG)</p>
GP Federation (Cissbury Integrated Care PCN) GP Extended Access	<p>Purpose – Your medical record will be shared with the GP Federation in order that they can provide direct care services to the patient population. This could be in the form of video consultation, minor injuries clinics, GP extended access clinics.</p> <p>Legal Basis – Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Processor – Cissbury Integrated Care</p>
Smoking Cessation	<p>Purpose – personal information is shared in order for the smoking cessation service to be provided</p> <p>Legal Basis – consented</p> <p>Processor – Public Health West Sussex</p>
Social Prescribers	<p>Purpose – personal information is shared in</p>

	<p>order for patient to be assisted by the Social Prescribing Team</p> <p>Legal Basis – consented</p> <p>Processor – Going Local – Adur and Worthing</p>
<p>COVID-19 Research and Planning</p>	<p>Purpose – for the collection of Personal confidential data regarding the diagnosis, testing, self-isolating, fitness to work, treatment medical and social interventions and recovery from Covid-19 pandemic.</p> <p>Legal Basis – Notice under Regulations 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which were made under sections 60 (now section 251 of the NHS Act 2006) and 64 of the Health and Social Care Act 2001. Data will only be extracted for those patients who have consented.</p> <p>Provider - Biobank</p>
<p>NHS-111 COVID-19 Triage response</p>	<p>Purpose – in order for NHS 111 to triage patient calls with queries regarding Covid-19 during practice closures or times of pressure on the system, enabling the robust process for patients, potentially suffering with Covid-19, to be triaged and treated in the most effective and appropriate way.</p> <p>Legal Basis – The Secretary of State for Health and Social Care has issued NHS Digital with a Notice under Control of Patient Information Regulations (COPI). This allows NHS Digital to share patient information with organisations entitled to process this under COPI for COVID-19 purposes. This means that for GP Connect, NHSD are creating a single ‘National Sharing Agreement’ on the Spine that contains all GP practices in England.</p> <p>Patients can opt out of their information being shared with GP Connect by contacting their GP practice and requesting a Type 1 Opt Out. Please note that opting out of having information shared may delay or impair the ability for urgent treatment.</p> <p>Processor – NHS Digital, NHS 111 via GP Connect</p>
<p>General Practice Extraction Service (GPES) Covid-19 Planning and Research data</p>	<p>Purpose – Personal confidential and Special Category data will be extracted at source from GP systems for the use of planning and research for the Covid-19 pandemic emergency period. Requests for data will be required from NHS Digital via their secure NHSX SPOC Covid-19 request process.</p> <p>Legal Basis – NHS Digital has been directed by the Secretary of State under section 254 of the</p>

	<p>2012 Act under the COVID-19 Direction to establish and operate a system for the collection and analysis of the information specified for this service: GPES Data for Pandemic Planning and Research (COVID-19). A copy of the COVID-19 Direction is published here:  <a href="https://digital.nhs.uk/about:nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions/covid-19-public-health-directions-2020">https://digital.nhs.uk/about:nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions/covid-19-public-health-directions-2020</a></p> <p>Patients who have expressed an opt out preference via Type 1 objections with their GP surgery not to have their data extracted for anything other than their direct care will not be party to this data extraction.</p> <p>Processor: NHS Digital NHS X</p>
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### 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.

### Lawful basis for processing

The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR.

- Article 6(1)(e) "... necessary for the performance of a task carried out in the public interest or in the exercise of official authority ...", and
- Article 9(2)(h) "...necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services