

Drs Jeyam & Jesudas, Halliwell Surgery, Lindfield Drive, Bolton, BL1 3RG

Data Protection Privacy Notice for Patients

Introduction:

This Privacy Notice lets you know what happens to any personal data that you give to us, or any that we may collect from or about you.

This Privacy Notice applies to personal information processed by or on behalf of the practice.

This Notice explains

- Who we are, how we use your information and our Data Protection Officer
- What kind of personal information about you do we process?
- What are the legal grounds for our processing of your personal information (including when we share it with others?)
- What should you do if your personal information changes?
- For how long your personal information is retained by us?
- What are your rights under data protection laws?

The General Data Protection Regulation (GDPR) became law on 24th May 2016. This is a single EU-wide regulation on the protection of confidential and sensitive information. It enters into force in the UK on the 25th May 2018, repealing the Data Protection Act (1998).

For the purpose of applicable data protection legislation (including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the "GDPR"), and the Data Protection Act 2018 (currently in Bill format before Parliament) the practice responsible for your personal data is Drs Jeyam & Jesudas.

This Notice describes how we collect, use and process your personal data, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

The ICB has appointed a Caldicott Guardian and Data Protection Officer to safeguard your personal data and support your rights.

A Caldicott Guardian is a senior person within a health and social care organisation, a health professional, who makes sure that personal information about those who use its services is used legally, ethically, appropriately and that confidentiality is maintained. The Caldicott Guardian for our practice is Dr M Jeyam.

A Data Protection Officer ('DPO') is a senior person who is an expert in data protection and can therefore inform and advise the CCG and its staff about their obligations to comply with the GDPR and other data protection laws. Where issues arise they will act as your single point of access.

The Practice Data Protection Officer is Deiler Carrillo, Information Governance & Safety. Any queries regarding Data Protection issues should be addressed to him at:

Email: gmicb-bol.practicedpo@nhs.net

How we use your information and the law.

Drs Jeyam & Jesudas will be what's known as the 'Data Controller' of the personal data you provide to us.

We collect basic personal data about you which does not include any special types of information or location-based information. This does however include name, address, contact details such as email and mobile number etc.

We will also collect sensitive confidential data known as "special category personal data", in the form of health information, religious belief (if required in a healthcare setting) ethnicity, and sex during the services we provide to you and or linked to your healthcare through other health providers or third parties.

Why do we need your information?

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. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may 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. Records which the Practice hold about you may include the following information;

- Details about you, such as your address, carer, legal representative, emergency contact details
- 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

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. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided.

How do we lawfully use your data?

We need to know your personal, sensitive and confidential data in order to provide you with Healthcare services as a General Practice, under the General Data Protection Regulation we will be lawfully using your information in accordance with: -

Article 6, e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;"

Article 9, (h) processing is necessary for the purposes of preventive 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

This Privacy Notice applies to the personal data of our patients and the data you have given us about your carers/family members.

General Practice Data for Planning and Research

From 1st July 2021, NHS Digital will collect data to support a wide variety of research and analysis to help run health and care services. In additions, the service will also help to support the planning and commissioning of health and care services, the development of health and care policy, public health monitoring and interventions and enable many different areas of research.

For more information, you can visit General Practice Data for Planning and Research: GP Practice Privacy Notice - NHS Digital

Patients can opt out by registering a Type 1 Opt-Out or National Data Opt Out

Opting out of sharing your confidential patient information - NHS Digital

OpenSAFELY COVID-19 & Data Analytical Service

NHS England has been directed by the government to establish and operate the OpenSAFELY COVID-19 Service and the OpenSAFELY Data Analytics Service. These services provide a secure environment that supports research, clinical audit, service evaluation and health surveillance for COVID-19 and other purposes.

Each GP practice remains the controller of its own GP patient data but is required to let approved users run queries on pseudonymised patient data. This means identifiers are removed and replaced with a pseudonym.

Only approved users are allowed to run these queries, and they will not be able to access information that directly or indirectly identifies individuals.

Patients who do not wish for their data to be used as part of this process can register a [type 1 opt out](#) with their GP.

Here you can find [additional information about OpenSAFELY.](#)"

Risk Stratification

NHS England encourages GP practices to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions.

Knowledge of the risk profile of our population will help the NHS England to commission appropriate preventative services and to promote quality improvement in collaboration with our GP practices. Risk stratification tools use various combinations of historic information about patients, for example, age, gender, diagnoses and patterns of hospital attendance and admission and primary care data collected in GP practice systems.

Risk stratification is a process which applies computer based algorithms, or calculations to identify those patients who are most at risk from certain medical conditions and who will benefit from clinical care to help prevent or better treat their condition. To identify those patients individually from the patient community would be a lengthy and time-consuming process which would by its nature potentially not identify individuals quickly and increase the time to improve care. A GP / health professional at your GP Practice will need to review this information before a decision is made.

Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary, your GP may be able to offer you additional services.

Please note that you have the right to opt out of your data being used in this way – please follow the link for more information from NHS Digital on how the information is used and how to opt out, if applicable to you.

General Practice Data for Planning and Research: GP Practice Privacy Notice - NHS Digital

Medicines Optimisation

The Medicines Optimisation Team work with GP practices to provide advice on medicines / prescribing queries and review prescribing of medicines to ensure that it is safe. In some cases, to ensure clinical safety, this may require the use of personal confidential data.

In cases where personal confidential data is required, this is done with the practice agreement. No data is removed from the practice's clinical system and no changes are made to patient's records without permission from the GP. Patient records may sometimes be viewed remotely via secure encrypted laptops from the ICB's premises. This is undertaken via a system called Bomgar.

Where specialist support is required, for example, to advise community pharmacists to order a drug that comes in solid form, in gas or liquid form; GMICB medicines optimisation pharmacists will provide advice on behalf of a GP to support your care. Personal confidential data is used for this purpose.

Personal confidential data is also used by our medicines optimisation team to review and authorise (if appropriate) requests for high cost drugs which are not routinely funded. In cases where personal confidential data is used, this is done with permission from the GP.

Safeguarding

Information is provided to care providers to ensure that adult and children's safeguarding matters are managed appropriately. Access to personal confidential data will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

For the purposes of safeguarding children and vulnerable adults, personal and healthcare data is disclosed under the provisions of the Children Acts 1989 and 2006 and Care Act 2014.

Our legal basis for processing For the General Data Protection Regulation (GDPR) purposes is: -

Article 6(1)(e) '...exercise of official authority...'

For the processing of special categories data, the basis is: -

Article 9(2)(b) – 'processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...'

Categories of personal data

The data collected by Practice staff in the event of a safeguarding situation will be as much personal information as is necessary or possible to obtain in order to handle the situation. In addition to some basic demographic and contact details, we will also process details of what the safeguarding concern is. This is likely to be special category information (such as health information).

Sources of the data

The Practice will either receive or collect information when someone contacts the organisation with safeguarding concerns or we believe there may be safeguarding concerns and make enquiries to relevant providers.

Recipients of personal data

The information is used by the Practice when handling a safeguarding incident or concern. We may share information accordingly to ensure duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals (i.e. their GP or mental health team).

How do we maintain the confidentiality of your records?

We are committed to protecting your Privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018 • The General Data Protection Regulations 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the information sharing principle following Dame Fiona Caldicott's information sharing review (Information to share or not to share) where "The duty to share information can be as important as the duty to protect patient confidentiality." This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles.

Our Practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the General Data Protection Regulations (GDPR) and all UK specific Data Protection Requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor for Drs Jeyam & Jesudas an appropriate contract (art 24-28) will be established for the processing of your information.

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the Data Protection Officer in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative requirement.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose in an identifiable format. In some circumstances you can Opt-out of the surgery sharing any of your information for research purposes.

Opting out of sharing your confidential patient information - NHS Digital

Every NHS organisation has a senior person that is responsible for information risk and security of information. This person is known as the Senior Information Risk Owner (SIRO), and at our practice, this role is assigned to Dr R Jesudas.

With your consent we would also like to use your information to

We would however like to use your name, contact details and email address to inform you of services that may benefit you, with your consent only. There may be occasions where authorised research facilities would like you to take part on innovations, research, improving services or identifying trends.

At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt out prior to any data processing taking place.

This information is not shared with third parties or used for any marketing and you can unsubscribe at any time via phone, email or by informing the practice DPO as below.

Where do we store your information electronically?

All the personal data we process is processed by our staff in the UK however for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No 3rd parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place. We have a Data Protection regime in place to oversee the effective and secure processing of your personal and or special category (sensitive, confidential) data.

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 / Foundation Trusts
- GP's
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers • Voluntary Sector Providers • Ambulance Trusts • Clinical Commissioning Groups
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSD)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & 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 consent for this to happen when this is required.

This practice operates a Clinical Computer System on which NHS Staff record information securely. This information can then be shared with other clinicians so that everyone caring for you is fully informed about your medical history, including allergies and medication.

To provide around the clock safe care, unless you have asked us not to, we will make information available to trusted organisations. Wherever possible, their staff will ask your consent before your information is viewed.

We consider patient consent as being the key factor in dealing with your health information.

Shared Care Records

To support your care and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other systems. The general principle is that information is passed to these systems unless you request this does not happen, but that system users should ask for your consent before viewing your record.

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. All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for Drs Jeyam & Jesudas an appropriate contract (art 24-28) will be established for the processing of your information.

Sharing your information without consent

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- where there is a serious risk of harm or abuse to you or other people;
- where a serious crime, such as assault, is being investigated or where it could be prevented;
- notification of new births;
- where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS);
- where a formal court order has been issued;
- where there is a legal requirement, for example if you had committed a Road Traffic Offence.

How long will we store your information?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records management code of practice for health and social care and national archives requirements.

More information on records retention can be found online at (<https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>)

How can you access, amend move the personal data that you have given to us?

You are entitled to request to view / ask for a copy of your medical record and this is known as a Subject Access Request (SAR). We request that you provide this in writing, by completing a request consent form, providing us with identification and provide adequate information to help us process your request. If we need further information, we will ask you to provide this.

There is no charge (subject to exemptions) to have a copy of the information held about you and we must respond to you within one calendar month (subject to exemptions).

You should also be aware that in certain circumstances, your right to see some details in your health records held by the CCG may be withheld. This may be because releasing the information could cause serious harm to your physical or mental health or if there is 3rd party information that cannot be released.

Right to object: If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

Right to withdraw consent: Where we have obtained your consent to process your personal data for certain activities (for example for a research project), or consent to market to you, you may withdraw your consent at any time.

Right to Rectification: Rectification refers to correcting inaccuracies or incomplete data which is held by the practice. This applies to factual information. The practice is unable to remove or alter professional opinions which you may disagree with. You do however; have the right to include your own statements alongside professional opinions. The correction of personal data when incorrect, out of date or incomplete which must be acted upon within 1 calendar month of receipt of such request.

Right to erasure: In some circumstances you can request that your information is deleted. This right will apply if the processing has been undertaken on the basis of consent which is withdrawn, the processing of data is determined not to be lawful or the information is no longer required. You will be informed of activities to which this right applies. Only if we have your explicit consent for any processing we do, you have the right to withdraw that consent at any time and have the right to request this data to be deleted / erased. Please note this will not apply where healthcare data is processed.

Right of data portability: If you wish, you have the right to transfer your data from us to another data controller. We will help with this with a GP to GP data transfer and transfer of your hard copy notes.

Access to your personal information

Data Subject Access Requests (DSAR): You have a right under the Data Protection legislation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the Practice – for information from the hospital you should write direct to them
- There is no charge to have a copy of the information held about you
- We are required to respond to you within one month
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified, and your records located information we hold about you at any time.

What should you do if your personal information changes?

You should tell us so that we can update our records please contact the Practice Manager as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number), the practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

Objections / Complaints

Should you have any concerns about how your information is managed at the GP, please contact the GP Practice Manager or the Data Protection Officer as above. If you are still unhappy following a review by the GP practice, you have a right to lodge a complaint with a supervisory authority: You have a right to complain to the UK supervisory Authority as below.

Information Commissioner:

Wycliffe house
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545745

<https://ico.org.uk/>

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 have any concerns about how your data is shared, then please contact the Practice Data Protection Officer.

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer as below.

Data Protection Officer:

The Practice Data Protection Officer is Deiler Carrillo, Information Governance & Safety Team. Any queries regarding Data Protection issues should be addressed to him at: - Email: gmicb-bol.practicedpo@nhs.net

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