# Your information, what you need to know

This privacy notice explains why we collect information about you, how that information may 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 may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address. They may 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 may hold about you may 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
* Details of concerns or complaints you have raised about your health care provision and we need to investigate

# 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](http://systems.digital.nhs.uk/infogov/codes/cop/code.pdf) 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 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. 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 Act 2018
* 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 may choose to withdraw your consent to 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.

The types of information we may hold about you are:

Personal or Identifiable – this is information containing details that identify individuals. The following are data items that are considered identifiable: name, address, NHS Number, full postcode, date of birth.

Special Categories – personal data revealing: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, sex life or sexual orientation, and health, biometric or genetic data

Confidential Information - this term describes information or data about identified or identifiable individuals, which should be kept private or secret and includes deceased as well as living people. ‘Confidential’ includes both information ‘given in confidence’ and ‘that which is owed a duty of confidence’.

Anonymised – this is data about individuals in a form that does not identify individuals and where identification through its combination with other data is not likely to take place.

Aggregated – this is statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

|  |  |
| --- | --- |
| Activity | Rationale |
| **Direct Care** | **Type of Data** - Confidential, Identifiable and special category  **Purpose**- Direct Care is care delivered to the individual alone, most of which is provided in the surgery.  After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc.  The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.  **Organisations-** Hospitals and diagnostic and Treatment centres  **Legal Basis** - *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.*  *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...”* |
| **Emergency Care** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-**  Doctors have a professional responsibility to share data in emergencies to protect their patients or other persons. Often in emergency situations the patient is unable to provide consent.  **Organisations-** Emergency Healthcare, Police and Fire Brigade.  **Legal Basis -** *Article 6(1)(d) “processing is necessary to protect the vital interests of the data subject or of another natural person”*  And  *Article 9(2)(c) “processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent”*  Or alternatively  *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...”* |
| **Public Interest** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-**  There are occasions when medical data needs to be shared with Public Health England, the Local Authority Director of Public Health, or the Health Protection Agency, either under a legal obligation or for reasons of public interest or their equivalents in the devolved nations.  National screening programmes.  **Organisations-** Public Health England, The Local Authority, Director of Public Health or the Health Protection Agency  **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)(i) “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,..” |
| **Safeguarding** | **Type of Data** - Confidential, Identifiable and special category  **Purpose –** To protect a vulnerable child or adult  **Organisations-** Local Authorities, safeguarding boards, the courts.  **Legal Basis -** For consented processing;  6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes  For unconsented processing;  6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject  and:  9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’ |
| **Reports on NHS performance** | **Type of Data** - Confidential, Identifiable and special category  **Purpose –** To provide the Secretary of State and others with information and reports on the status, activity and performance of the NHS. The provide specific reporting functions on identified.  **Organisations-** The Care Quality Commission (CQC) and NHS Digital  **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) “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 and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;”* |
| **Medicines Management, Planning,**  **Commission and Risk Stratification** | **Type of Data** - Confidential, Identifiable and special category  **Purpose –** The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses i.e. Diabetes, heart disease, risk of falling). Your records may be amongst those searched. This is often called “risk stratification” or “case finding”. These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.  **Organisations-**  Eastbourne, Hailsham and Seaford CCG  **Legal Basis -** 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 /](https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification%20/) |
| **National Screening programmes** | **Type of Data** - Confidential, Identifiable and special category  **Purpose –** The NHS provides national screening programmes so that certain diseases can be detected at an early stage  **Organisations-**  Eastbourne, Hailsham and Seaford CCG  **Legal Basis -** Article 6(1)(e); **“**necessary… in the exercise of official authority vested in the controller’  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...” |
| **Payments** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-** To enable GP’s to receive payments and to provide accountability.  **Organisations-** Eastbourne, Hailsham and Seaford CCG and NHS England  **Legal Basis -** Article 6(1)(e); **“**necessary… in the exercise of official authority vested in the controller’  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...” |
| **Commissioning, planning and medicines management** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-** Commissioning, planning and medicines management  **Organisations-** Eastbourne, Hailsham and Seaford CCG  **Legal Basis -** Article 6(1)(e); **“**necessary… in the exercise of official authority vested in the controller’  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...” |
| **Medical Research** | **Type of Data** - Confidential, Identifiable, special category and anonymous.  **Purpose-** All NHS organisations are expected to take participate and support health and social care research. To explore prevention, diagnosis or treatment od disease.  **Organisations-** National Institute of Health Research, University of Surrey, The Royal College of General Practitioners.  **Legal Basis -** Article 6(1)(a) **“**the data subject has given consent to the processing of his or her personal data for one or more specific purposes”  or  Article 6(1)(e) may apply “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”  And in addition there are 2 possible Article 9 justifications.  Article 9(2)(a) – ‘the data subject has given explicit consent…’  or  Article 9(2)(j) – ‘processing is necessary for… scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’. |
| **Clinical Records Systems** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-**  To store patients medical records  **Organisations-**  Emis and Docman  **Legal Basis -** Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.  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...” |
| **Destruction of data** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-** To destroy personal and confidential data.  **Organisations-**  Box-it  **Legal Basis -** *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.* |
| **Storage of medical records** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-** To store patients paper medical records  **Organisations-**  Notespace  **Legal Basis -** *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.* |
| **3rd Party Clinics** | **Type of Data** - Confidential, Identifiable and special category  **Purpose-** To provide patients with access to services not provided by the surgery, for example social prescribing and smoking cessation.  **Organisations-**  Southdowns, One You  **Legal Basis -** *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...”* |
| **General Practice Extraction Service (GPES)**  **Covid-19 Planning and Research data** | **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.  **Legal Basis** : NHS Digital has been directed by the Secretary of State under section 254 of the 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:  [https://digital.nhs.uk//about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/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-notices/secretary-of-state-directions/covid-19-public-health-directions-2020)  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.  **Processor** : NHS Digital NHS X |
| **Summary Care Record** | **Purpose –** During the Covid19 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.  **Legal Basis** – Direct Care  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.”  **Processor –** NHS Englandand NHS Digital via GP connect |
| **NHS 111 COVID-19 Triage** **response** | **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.  **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](https://digital.nhs.uk/coronavirus/coronavirus-covid-19-response-information-governance-hub/control-of-patient-information-copi-notice)). 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.  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.  **Processor** – NHS Digital, NHS 111  via GP Connect |
| **Learning Disability Mortality Programme**  **LeDeR** | **Purpose :** The Learning Disability Mortality Review (LeDeR) programme was commissioned to improve the standard and quality of care for people with a learning disability.  **Legal Basis:**  It has approval from the Secretary of State under section 251 of the NHS Act 2006 to process patient identifiable information without the patient’s consent.  **Processor : Bristol University, NECS** |
| General Data Extraction Service (GPES)  CVDPREVENT Audit | **Purpose :** NHS England has directed NHS Digital to collect and analyse data in connection with Cardiovascular Disease Prevention Audit (referred hereafter to as “CVDPREVENT Audit”).  The NHS Long Term Plan identifies cardiovascular disease (CVD) as a clinical priority and the single biggest condition where lives can be saved by the NHS over the next 10 years. CVD causes a quarter of all deaths in the UK.  This General Practice Extraction Service (GPES) data will be extracted as an initial full-year extract of data and thereafter as an extract on a quarterly basis. The first extract is scheduled to take place in the second half of 2020-21 financial year and will cover the previous financial year of 2019-20.  **Legal Basis**: All GP Practices in England are legally required to share data with NHS Digital for this purpose under section 259(1)(a) and (5) of the 2012 Act  More information on this data extraction can be found [here](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/cardiovascular-disease-prevention-audit?_cldee=YW5uYS5jcmVzc2V5QG5ocy5uZXQ%3d&recipientid=lead-3f1b8087270deb11a812000d3a86b23d-6b9e859353374ccba6b3316066a5476e&esid=6e5380d6-c004-eb11-a813-000d3a86d6fd)  **Processor**: NHS Digital |

# If you require more information about our data sharing policies please as reception for the full privacy notice.

# Data Retention

We manage patient records in line with the [Records Management NHS Code of Practice for Health and Social Care](http://webarchive.nationalarchives.gov.uk/20160729133355/http:/systems.hscic.gov.uk/infogov/iga/rmcop16718.pdf) 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. If you transfer to another GP and we are asked to transfer your records we will do this to ensure your care is continued. Currently the NHS is required to keep GP records for 10 years after a patient has died. Exceptions to these rules are detailed in the code of practice.

# Third party processors

In order to deliver the best possible service, the practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. In addition the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties includes:

* Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
* Delivery services (for example if we were to arrange for delivery of any medicines to you).
* Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

Further details regarding specific third party processors can be supplied on request.

# 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. 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 several forms of opt- outs available at different levels:

**Type 1 opt-out.**  If you do not want personal confidential information that identifies you to be shared outside your GP practice you can register a ‘Type 1 opt-out’ with your GP practice. This prevents your personal confidential information from being used except for your direct health care needs and in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. 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 to stop your records from being shared outside of your GP Practice.

**National data opt-out**

The national data opt-out is a service that allows you to opt-out of your confidential patient information being used by NHS Digital for research and planning.

Whenever you use a health or care service, such as attending Accident and Emergency or using Community Care services, important information about you is collected to help to ensure you get the best possible care and treatment.

If you do not want your confidential patient information to be used in this way or would like to find out more please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters) or call: 0300 303 5678.

# Access to your information

Under the Data Protection Act 2018 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. Under special circumstances, some information may be withheld. We may charge a reasonable fee for the administration of the request in certain instances (e.g. where a duplicate copy is requested).

If you wish to have a copy of the information we hold about you, please speak to reception.

If you would like to access your GP record online please speak to reception.

Data Protection Officer  
Should you have any data protection questions or concerns, please contact our Data Protection Officer at: [trudy.slade@nhs.net](mailto:trudy.slade@nhs.net)

# Notification

The Data Protection Act 2018 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>

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 our complaints manager, Claire Carter.

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 the Data Protection Act 2018.

<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 September 2019.