

# **NICHOLL STREET MEDICAL CENTRE**

## **Privacy & Fair Processing Notice**

### **Your Information Your Rights**

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 1998 and the EU General Data Protection Regulations (GDPR) May 2018.

The following notice reminds you of your rights in respect of the above legislation and how your GP Practice will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use the information for the following:

- The management of patient information
- Communication concerning your clinical social and supportive care
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review
- Participation in health and social care research
- The management and clinical planning of services to ensure appropriate care is in place for our patients today and in the future.

#### **Data Controller**

As your registered GP practice we are the data controller for any personal data that we hold about you.

#### **What information do we collect and use?**

All personal data must be processed fairly and lawfully whether it is received directly from you or a third party in relation to your care. We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care.

- Personal data meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes

but is not limited to name, date of birth, full postcode, address, next of kin and NHS number.

- Special category/sensitive data such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.
- Your health records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health provider, walk in centre and social services). These records may be electronic a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

### **Why do we collect this information?**

The NHS Act 2006 and the Health & Social Care Act 2012 invests statutory functions of GP practices to promote the health service in England & Wales, improve quality of services and deliver education and training. To do this we need to process your information in accordance with current data protection legislation to :

- Protect vital interests
- Pursue our legitimate interests as a provider of medical care particularly where the individual is a child or vulnerable adult
- Perform tasks in the public interest
- Deliver preventative medicine, medical diagnosis, medical research
- Manage the health and social care system and services

### **How do we use this information?**

To ensure that you receive the best possible care your records will be used to facilitate the care you receive. Information held about you may be used to protect the health of the public and to help us manage the NHS. Information may also be used for the clinical audit to monitor the quality of the service provided. In addition your information will be used to identify whether you are

at risk of a future unplanned hospital admission and / or require support to effectively manage a long term condition.

### **How is the information collected?**

Your information will either be collected electronically using secure NHS mail or a secure electronic transfer over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP electronic patient record or within your physical medical records.

### **Who will we share the information with?**

In order to deliver and coordinate your health and social care we may share information with the following organisations.

- NHS trusts
- 111 and Out of Hours services
- Local Social Services and the Community Care Services
- Voluntary support organisations commissioned to provide services by the local health board or cluster network.

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations. Your information will not be transferred outside the European Union.

### **Who do we receive information from?**

Whilst we might share information with the above organisations we may also receive information from them to ensure your medical records are kept up to date and so that your GP can provide the appropriate care. In addition we receive data such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve care.

### **How do we maintain confidentiality of your records?**

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting training, awareness, ensuring access to personal data is limited to appropriate staff, and

information is only shared with organisations and individuals that have a legitimate and legal base for access. Information is not held for longer than necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care Act 2016.

## **Consent and Objections**

### **Do I need to give my consent?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to ask your explicit consent for every instance of processing and sharing your information on the condition that the processing is carried out in accordance with this notice. Your GP practice will contact you if they are required to share your information for any other purpose which is not mentioned in this notice. Your consent will be documented within your electronic patient record.

### **What happens if I withhold my consent or raise an objection?**

You have the right to withdraw your consent at any time for any particular instance of processing provided consent is the legal basis for processing. Please contact us if you need to raise an objection.

## **Health Risk Screening/Risk Stratification**

This is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender NHS number, diagnosis, existing long term conditions, medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is a greater risk of suffering a particular condition
- Prevent an emergency admission
- Identify if a patient needs medical help to prevent a health condition from getting worse and /or

- Review and amend provision of current health and social care services.

Your GP will use computer based algorithms or calculations to identify their registered patients who are at most risk with support from an accredited risk stratification provider. They will not have access to your personal or confidential data.

### **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our electronic system enables your record to be shared with organisations involved in your direct care such as:

- GP practices
- Community Services such as district nurses rehabilitation services and out of hospital care
- Child health services that undertake routine treatment or health screening
- Urgent care organisations minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care hospitals
- Mental health trusts
- Hospitals
- Social care organisations
- Pharmacies

In addition NHS Wales have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions that you have had in the past.

In most cases particularly for patients with complex conditions and care arrangements the shared electronic record plays a vital role in delivering the best care and a coordinated response taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting. Your record will be automatically set up to be shared with the organisations listed above, however you have the right to ask your GP

to disable this function or restrict access to specific elements of your record. This means that the information recorded by your GP will not be visible at any other care setting. You can also reinstate your consent at any time by giving your permission to override your previous dissent.

### **Who else may ask to access your information?**

- The law courts can insist we disclose medical records to them
- Solicitors often ask for medical reports. These will always be accompanied by your signed consent for us to disclose information.
- Public Health Wales to help them organise national programmes for public health such as childhood immunisations.
- Social Services. The benefits agency may require reports on you from time to time.

### **Your Rights of Access to your Records**

The Data Protection Act 1998 and the General Data Protection Regulations allow you to find out what information is being held about you including information held within your medical records either in electronic or physical format. This is known as the “right of subject access”. If you would like to have all or part of your records you can make a request in writing. You should however be aware that some details within your health records may be exempt from disclosure, however this will be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to:

#### **The Practice Manager**

**Nicholl Street Medical Centre**

**33 Nicholl Street**

**Swansea**

**SA1 4HF**

In the event that you feel we have not complied with the current data protection legislation either in responding to your request or in our general

processing of your personal information you should raise your concerns in the first instance in writing to the practice manager at the above address.

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at:

Information Commissioner's Office Wales

2<sup>nd</sup> Floor

Churchill House

Churchill Way

Cardiff

CF10 2HH

Or online at [www.ico.gov.uk](http://www.ico.gov.uk)