**PRACTICE FAIR PROCESSING**

**& PRIVACY NOTICE PATIENTS**

*The laws governing Data Protection are changing on 25th May 2018. Existing Data Protection Legislation has not kept pace with our fast and ever-changing digital world. The GDPR is being introduced to give you better protection, including the right to know how and why your data is being used.*

**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 2018 and the EU General Data Protection Regulations (GDPR).

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 information for:

* The management of patient records;
* Communication concerning your clinical, social and supported 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; and
* The management and clinical planning of services to ensure that 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 is it received directly from you or from a third party in relation to the 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.

**And**

* ‘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 healthcare 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 care provider, walk-in centre, 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 and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

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

Provision of Direct Care

We hold your medical record so that we can provide you with safe care and treatment.

We will also use your information so that this practice can check and review the quality of the care we provide. This helps us to improve our services to you.

Registering for NHS care

* All patients who receive NHS care are registered on a national database.
* This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
* The database is held by NHS Digital a national organisation which has legal responsibilities to collect NHS data.

Medical Research and Clinical Audits

Medical research

Dr Cakebread and Partners shares information from medical records:

* To support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best;
* We will also use your medical records to carry out research within the practice.

 This is important because:

* the use of information from GP medical records is very useful in developing new treatments and medicines;
* Medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

We ONLY share information with your explicit consent or when the law allows.

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object.

Checking the quality of care - national clinical audits

Dr Cakebread and Partners contributes to national clinical audits so that healthcare can be checked and reviewed.

* Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
* The results of the checks or audits can show where hospitals are doing well and where they need to improve.
* The results of the checks or audits are used to recommend improvements to patient care.
* Data are sent to NHS Digital a national body with legal responsibilities to collect data.
* The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.

Legal Requirements to Share Data

How your information is shared so that this practice can meet legal requirements

The law requires Dr Cakebread and Partners to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

* plan and manage services;
* check that the care being provided is safe;
* prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.

We must also share your information if a court of law orders us to do so.

NHS Digital

* NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.

* It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.

* This practice must comply with the law and will send data to NHS Digital, for example,
* When it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
* More information about NHS Digital and how it uses information can be found at:

<https://digital.nhs.uk/home>

NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here: <https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital>

Care Quality Commission (CQC)

* The CQC regulates health and social care services to ensure that safe care is provided.
* The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.

For more information about the CQC see: <http://www.cqc.org.uk/>

Public Health

* The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
* We will report the relevant information to local health protection team or Public Health England.

For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

National Screening Programmes

* The NHS provides national screening programmes so that certain diseases can be detected at an early stage.
* These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye 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.

* More information can be found at: <https://www.gov.uk/topic/population-screening-programmes>

**How is the information collected?**

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

**Who will we share your information with?**

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

* Local GP Practices in order to deliver extended primary care services
* NHS Secondary Care Settings like Bedford General Hospital or the L+D. We will always ask your consent to share before referring you to your choice of care setting.
* 111 and the Out of Hours Service.
* Local Social Services and Community Care services
* Voluntary Support Organisations commissioned to provide services by Bedfordshire Clinical Commissioning Group.
* GDPR Compliant, secure mailing system WEBPOST.
* Your GP will send details about your prescription to your chosen pharmacy.
* Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record. For more information see: <https://digital.nhs.uk/summary-care-records>.

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 of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.

Safeguarding

* Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.
* These circumstances are rare.
* We do not need your consent or agreement to do this.
* Please see our safeguarding policies for more information, you can request these at the Reception desk.

You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object. You also have the right to have any mistakes or errors corrected.

**How do we maintain the 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 annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 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 seek 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 within this notice. Your consent will be documented within your electronic patient record.

**What will happen if I withhold my consent or raise an objection?**

You have the right to write to withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP Practice for further information and to raise your objection.

*If consent is not the legal basis for processing the data it may be that we are still able to legally process the data without your consent, this would be communicated to you.*

**Health Risk Screening / Risk Stratification**

Health Risk Screening or Risk Stratification 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 condition(s), 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 at a greater risk of suffering from 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.

Identifying patients who might be at risk of certain diseases

* Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
* This means we can offer patients additional care or support as early as possible.
* This process will involve linking information from your GP record with information from other health or social care services you have used.
* Information which identifies you will only be seen by this practice.

Your GP will use computer based algorithms, calculations or clinical system reports to identify their registered patients who are at most risk, with support from the local Commissioning Group. The risk stratification contracts are arranged by Bedfordshire Clinical Commissioning Group in accordance with the current Section 251 Agreement.

(A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers).

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

You have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

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

Electronic patient records are kept in most places where you receive healthcare. Our local electronic system (such as SystmOne, EMIS and Eclipse) 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 services.
* 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 Homes
* Mental Health Trusts
* Hospitals
* Social Care organisations
* Pharmacies

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

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health 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 setup 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 will mean 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.

**Invoice Validation**

If you have received treatment within the NHS, the local Commissioning Group may require access to your personal information to determine which Clinical Commissioning Group (CCG) is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CCG to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.

**Your Right of Access to Your Records**

The Data Protection Act and General Data Protection Regulations allows you to find out what information is 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 access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will 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:

Dr Cakebread and Partners

The Shefford Health Centre

Robert Lucas Drive

Shefford

Bedfordshire

SG17 5FS

**Complaints**

In the event that your feel your GP Practice has 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, Katie Dearman at:

Dr Cakebread and Partners

The Shefford Health Centre

Robert Lucas Drive

Shefford

Bedfordshire

SG17 5FS

If you remain dissatisfied with our response you can contact the Information Commissioner’s Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at [www.ico.gov.uk](http://www.ico.gov.uk)

We are required by law to provide you with the following information about how we handle your information.

|  |  |
| --- | --- |
| **Data Controller** contact details | Katie Dearman Shefford Health CentreRobert Lucas DriveSheffordBedfordshireSG17 5FS |
| **Data Protection Officer** contact details | Paul CouldreyPCDCNBV Enterprise Centre6 David LaneNottinghamNottinghamshireNG6 0JU |
| **Purpose** of the processing | * To give direct health or social care to individual patients.
* For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.
* To check and review the quality of care. (This is called audit and clinical governance).
 |
| **Lawful basis** for processing | These purposes are supported under the following sections 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...”* Healthcare staff will also respect and comply with their obligations under the common law duty of confidence. |
| **Recipient or categories of recipients** of the processed data | The data will be shared with: * healthcare professionals and staff in this surgery;
* local hospitals;
* out of hours services;
* diagnostic and treatment centres;
* Or other organisations involved in the provision of direct care to individual patients.
 |
| **Rights to object** | * You have the right to object to information being shared between those who are providing you with direct care.
* This may affect the care you receive – please speak to the practice.
* You are not able to object to your name, address and other demographic information being sent to NHS Digital.
* This is necessary if you wish to be registered to receive NHS care.
* You are not able to object when information is legitimately shared for safeguarding reasons.
* In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.
* The information will be shared with the local safeguarding service based at our local authorities.
 |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website.
* We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
 |
| **Retention period** | GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016> or speak to the practice. |
| **Right to complain** | You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call the helpline **0303 123 1113** |
| **Data we get from other organisations** | We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service. |