

Patient Privacy Notice

The EU General Data Protection Regulation (GDPR) came into force on 25th May 2018. The GDPR applies to all EU member states and The Witterings Medical Centre must be able to demonstrate compliance at all times.

Understanding the requirements of the GDPR will ensure that personal data of both staff and patients is protected accordingly. As a result, we are publishing a new Privacy Notice to make it easier for you to find out how we use and protect your information. We will not be changing the way we use your personal information, but this notice will provide you with additional details such as:

- Your increased rights in relation to the information we hold about you
- How we keep your personal information secure
- The types of personal information we collect about you and how we collect and use it
- The legal grounds for how we use your information

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 provided

Data Controller: The Witterings Medical Centre, Our Registration number for the ICO (Information Commissioners Office) is Z6734612

Data Protection Officer: Richard Newell – Contactable via reception.witterings@nhs.net ICO: ZA332620

What information do we collect and use?

All personal data must be processed fairly and lawfully, NHS records maybe 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 secure and confidential.

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 maybe electronic, 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.

How do we use this information? Risk Stratification

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 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. 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.

Med Management

The Practice may conduct Medicine Management Reviews of medicines prescribed to its patients. This service performs a review of prescribed medicines to ensure patients receive the most appropriate, up to date and cost-effective treatments.

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:

Other GP Practices, NHS Trusts/Foundation Trusts & NHS Commissioning Support Units, Private sector providers, Clinical Commissioning Groups, Social Care Services, Health and Social Care Information Centre (HSCIC), Local Authorities, Education Services, Fire and Rescue Services, Community Health and Care Trust, 111 and Out of Hours Service, West Sussex Ambulance Service, West Sussex County Council & Chichester District Council (Adult Social Services and Community Care), Voluntary Support Organisations, Children's Local Safeguarding Board, Police and Judicial Services, Other data processors which you will be informed of

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. You will be informed who your data will be shared with and in some cases asked for explicit consent when required.

We may also use external companies to process information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

Who do we receive information from?

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”.

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. 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 to 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.

The Practice Manager, Witterings Medical Centre.

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.

Your GP will use computer-based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Coastal West Sussex Clinical Commissioning Group in accordance with the current Section 251 Agreement. Coastal West Sussex CCG will not at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.

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.

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.

As mentioned above, 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 SystmOne 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, telehealth 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 Trust Hospitals, Social Care organisations, Pharmacies.

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

Your electronic health record contains lots of information about you. In most cases, particularly for patients with complex conditions and care arrangements, the shared 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 Support Unit may require access to your personal information to determine which Clinical Commissioning Group 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 CSU 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 2018 and General Data Protection Regulation 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 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 ask reception for an access to medical records request form.

Complaints

In the event that you 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** at:

Witterings Medical Centre.

If you are still unhappy following a review by the GP practice, you can then complain to the Information **Commissioners Office (ICO)** via their website www.ico.gov.uk.

Tel: 0303 123 1113 or **01625 545 745** if you wish to use a national rate number.

Alternatively you can write to them at: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

If you are happy for your data to be extracted and used for the purposes described in this Privacy Notice, then you need not do anything.

Supplementary privacy notice on Covid-19 for Patients

This notice describes how we may use your information to protect you and others during the Covid-19 outbreak. It supplements our main Privacy Notice.

The health and social care system is facing significant pressures due to the COvid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law, the Secretary of State has required NHS Digital; NHS England and bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk here and some FAQs on this law are available here.

During this period of emergency, opt-outs will not generally apply to the data used to support the Covid-19 outbreak, due to the public interest in sharing information. This includes National Data Opt-Outs. However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Subject Access Requests (SARs), Freedom of Information requests (FOIs) and new opt out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information included health and care records with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text message or email.

During this period of emergency we may offer you a consultation via telephone or video conferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and the NHSX have developed a single, secure store to gather data from across the health and care system to information the Covid-19 response. This includes data

already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as data provided by patient themselves. All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

We may amend this Privacy Policy at any time so please review it frequently. The date at the top of this page will be amended each time this notice is updated.