STOCKWELL ROAD SURGERY
KNARESBOROUGH

Stockwell Road Surgery Data Protection Privacy Notice

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

In accordance with the applicable data protection legislation in the UK (The Data Protection Act 2018 and the UK General Data Protection Regulation (UKGDPR)) the practice responsible for your personal data is Stockwell Road Surgery.

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.

How we use your information and the law

Stockwell Road Surgery is known as the 'Controller' of the personal data you provide to us.

We will collect basic personal data about you which includes name, address, date of birth and 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 sexual orientation through the delivery of 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 UK 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 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.

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

Risk Stratification

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from several sources including NHS Trusts and from this GP Practice.

A risk score is then arrived at through an analysis of your de-identified information and is only provided back to your GP as data controller in an identifiable form. 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 see the section on Your Rights below.

Medicines Management

The Practice may conduct Medicines Management reviews of medications prescribed to its patients under a processing arrangement with the Medicines Management Team at the local ICB. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments.

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

The law requires the Practice to share information from your medical records in certain circumstances. Under the UK GDPR we will be lawfully using your information in accordance with

Article 6(1)(c) – 'processing is necessary for compliance with a legal obligation to which the controller is subject…'

Article 9(2)(h) – 'processing is necessary for the purpose of preventative…medicine…the provision of health or social care or treatment or the management of health or social care systems and services...'

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 England

NHS England (previously known as 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 England, 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 England and how it uses information can be found at:
https://digital.nhs.uk/home

https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-data-for-planning-and-research/transparency-notice

This practice is supporting vital health and care planning and research by sharing your data with NHS England. For more information about this see the GP Practice Privacy Notice for General Practice Data for Planning and Research.

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 the 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. The following sections of the UK GDPR allow us to contact patients for screening.

Article 6(1)(e) – 'processing is necessary…in the exercise of official authority vested in the controller..."

Article 9(2)(h) – 'processing is necessary for the purpose of preventative…medicine…the provision of health or social care or treatment or the management of health or social care systems and services...'

For national screening programmes you can opt out so that you no longer receive an invitation to a screening programme.

See: https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes

More information can be found at: https://www.gov.uk/topic/population-screening-programmes or speak to the Practice.

Our commitment to data privacy and confidentiality

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

- Data Protection Act 2018
- The UK General Data Protection Regulation
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management

In the circumstances where we are required to use personal identifiable information, we will only do this if:

- The information is necessary for your direct healthcare, or
- We have received explicit consent from you to use your information for a specific purpose, or
- There is an overriding public interest in using the information:
    - In order to safeguard an individual,
    - To prevent a serious crime or in the case of Public Health or other emergencies, to protect the health and safety of others, or
- There is a legal requirement that allows or compels us to use or provide information (e.g. a formal court order or legislation), or
- We have permission from the Secretary of State for Health and Social Care to use certain confidential patient identifiable information when it is necessary for our work.

Everyone working for the NHS has a legal and contractual duty to keep information about you confidential.

Our practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the UK General Data Protection Regulation (UKGDPR) 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, an appropriate contract (art 24-28) will be established for the processing of your information.

Where information is held centrally and used for statistical purposes, 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 – please see Your Rights section below.

Where your consent is required

We would 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 in 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 withdraw your consent at any time via phone, email or by informing the Practice DPO as below.

Where do we store your information?

All the personal data we hold is processed and stored in the UK. Your information will not be sent outside of the UK where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

No third parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place.

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 / Primary Care Network
- GPs
- Yorkshire Health Network
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- ICBs
- Social Care Services
- NHS England (NHSE)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- NHS Resolution
- Other ‘data processors’ which you will be informed of

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 an appropriate contract (UKGDPR Article 24-28) will be established for the processing of your information.

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 Records Management Code of Practice - NHS Transformation Directorate (england.nhs.uk)

Your rights

Under the UK General Data Protection Regulation all individuals have certain rights in relation to the information which the Practice holds about them. Not all rights apply equally to all our processing activity as certain rights are not available depending on the lawful basis for the processing. To get in touch about these, please contact us. We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

Examples of where rights may not apply - where our lawful basis is:

- Processing is necessary for the performance of a task carried out in the exercise of official authority vested in the controller - then rights of erasure, portability do not apply.
- Legal Obligation - then rights of erasure, portability, objection, automated decision making and profiling do not apply.

If you require further detail each link below will take you to the Information Commissioner's Office's website where further detail is provided in section 'When does the right apply'.

These rights are:

- The right to be informed about the processing of your data
- The right to have that information amended in the event that it is not accurate
- The right to have the information deleted
- The right to restrict processing
- The right to have your data transferred to another organisation (data portability)
- The right to object to processing
- Rights in relation to automated decision making and profiling

Under the NHS Constitution you have the right to privacy and to expect the NHS to keep your information confidential and secure.

You have the right to be informed about how your information is used.

Supporting these rights, patients in England also have the right under the NHS Constitution to request that their personal confidential data is not used for reasons other than their individual care and treatment. The process for applying this right is called the 'National Patient Data Opt-out' this gives patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used just for their individual care and treatment or also used for research and planning purposes.

However, there are exemptions to this, the national patient data opt-out applies unless:

- There is a mandatory legal requirement or an overriding public interest for the data to be shared e.g. Adults and Children safeguarding.

- The opt-out does not apply when the individual has consented to the sharing of their data; or

- Where the data is anonymised in line with the Information Commissioner's Office (ICO) Code of Practice on Anonymisation.

To be compliant with the national data opt-out policy the Practice has put procedures in place to review uses or disclosures of confidential patient information against the national data opt-out operational policy guidance.

If you believe the Practice is using your personal information in a way you would object to or contrary to your National Patient Data Opt-Out request, you have the right to object and have your objections considered and where your wishes cannot be followed, to be told the reasons including the legal basis.

For further details of the national patient data opt out can be found here: https://www.nhs.uk/your-nhs-data-matters/

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 stockwellroadsurgery@nhs.net – for information from the hospital you should write directly 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.

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.

Anonymised information

Sometimes we may provide information about you in an anonymised form. Such information is used to analyse population-level heath issues and helps the NHS to plan better services. If we share information for these purposes, then none of the information will identify you as an individual and cannot be traced back to you.

Medical examiners

Following the death of any patients of Stockwell Road Surgery we are now obliged to inform Harrogate District Foundation NHS Trust, Medical Examiner Service.

Medical examiner offices at acute trusts now provide independent scrutiny of non-coronial deaths occurring in acute hospitals. The role of these offices is now being extended to also cover deaths occurring in the community.

Medical examiner offices are led by medical examiners, senior doctors from a range of specialties including general practice, who provide independent scrutiny of deaths not taken at the outset for coroner investigation. They put the bereaved at the centre of processes after the death of a patient by giving families and next of kin an opportunity to ask questions and raise concerns. Medical examiners carry out a proportionate review of medical records and liaise with doctors completing the Medical Certificate of Cause of Death (MCCD).

The Practice will share any patient information with the service upon request.

Safeguarding

The Practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

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…'

Telephone system

Telephone calls are recorded going both in and out of the practice.

1. Telephone recordings are kept in a password protected file

2. Only Management and GP partners will have access to listen to recordings and they are listened to in a secure environment.

3. All recordings are automatically erased from the file after 3 months

Management listens to telephone calls, when a complaint is received or when reviewing the quality of our service to you. Calls are used for training purposes with our reception team.

CCTV recording

CCTV is installed on our practice premises covering both the external area of the building and the internal area excluding consulting rooms. Images are held to improve the personal security of patients and staff whilst on the premises, and for the prevention and detection of crime. The images are recorded onto an integral hard drive of the equipment and are overwritten on a rolling basis. Viewing of these digital images is password protected and controlled by the Practice Manager.

a) CCTV recordings are kept on a secure hard drive

b) Only Management and GP partners will have access to view all recordings and are viewed in a secure environment.

c) All recordings are automatically erased from the hard drive after 30 days unless they are needed as evidence.

If you believe your image has been captured on our CCTV you have a right to request to see it. Please contact our Practice manager, who will be able to assist with your enquiry.

Primary Care Network

The objective of primary care networks (PCNs) is for group practices together to create more collaborative workforces which ease the pressure of GP's, leaving them better able to focus on patient care.

This practice is a member of Knaresborough & Rural Primary Care Network. Other members of the network are:

Beech House Surgery

Church Lane Surgery

Eastgate Medical Group

Nidderdale Group Practice

Springbank Health

Primary Care Networks form a key building block of the NHS long-term plan. Bringing general practices together to work at scale has been a policy priority for some years for a range of reasons, including improving the ability of practices to recruit and retain staff; to manage financial and estates pressures; to provide a wider range of services to patients and to more easily integrate with the wider health and care system.

This means the practice may share your information with other practices within the PCN to provide you with your care and treatment.

Service Evaluation

The PCN carries out service evaluations in order to improve the quality and accessibility of primary care services. This may be carried out in a number of ways including telephone surveys, online surveys and interviews.

The legal basis for contacting you to take part -

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

To process the survey information, we collect from you we will only do so with your consent.

Article 6(1)(a) - Consent of the data subject (you)

Article 9(2)(a) – Explicit consent of the data subject. (you)'

SMS opt-out

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up to date details. This is to ensure we can be confident that we are actually contacting you and not another person. As this is operated on an 'opt out' basis we will assume that you give us permission to contact you via SMS if you have provided us with your mobile telephone number. Please let us know if you wish to opt out of this SMS service. We may also contact you using the email address you have provided to us. Please ensure that we have your up to date details.

Extended access

We provide extended access services to our patients which means you can access medical services outside of our normal working hours. In order to provide you with this service, we have formal arrangements in place with Yorkshire Health Network (YHN) who offer this service on our behalf for you as a patient to access outside of our opening hours. This means, YHN will have to have access to your medical record to be able to offer you the service. Please note to ensure that YHN comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.

GP Connect Service

The GP Connect service allows authorised clinical staff at NHS 111 to seamlessly access our practice's clinical system and book directly on behalf of a patient. This means that should you call NHS 111 and the clinician believes you need an appointment with your GP Practice, the clinician will access available appointment slots only (through GP Connect) and book you in. This will save you time as you will not need to contact the Practice direct for an appointment.

The Practice will not be sharing any of your data and the Practice will only allow NHS 111 to see available appointment slots. They will not even have access to your record. However, NHS 111 will share any relevant data with us, but you will be made aware of this. This will help your GP in knowing what treatment / service / help you may require.

Please note if you no longer require the appointment or need to change the date and time for any reason you will need to speak to one of our reception staff and not NHS 111.

The Yorkshire & Humber Care Record

The Yorkshire & Humber Care Record is a shared system that allows healthcare staff within the Humber, Coast and Vale Health and Social Care community to appropriately access the most up-to-date and correct information about patients, to deliver the best possible care.

The Yorkshire & Humber Care Record Guarantee is our commitment that we will use records about you in ways that respect your rights and promote your health and wellbeing.

If you would like any further information, or would like to discuss this further, please contact us using the details provided.

Yorkshire & Humber Care Record – Information Governance Lead

Leeds Teaching Hospitals NHS Trust St James University Hospital Lincoln Wing/Chancellor Wing Link Corridor Beckett Street

Leeds

LS9 7TF

Telephone: 0113 2064102

iGPR, Data Processor

We use a processor, iGPR Technologies Limited ("iGPR"), to assist us with responding to report requests relating to your patient data, such as subject access requests that you submit to us (or that someone acting on your behalf submits to us) and report requests that insurers submit to us under the Access to Medical Records Act 1988 in relation to a life insurance policy that you hold or that you are applying for.

iGPR manages the reporting process for us by reviewing and responding to requests in accordance with our instructions and all applicable laws, including UK data protection laws.

The instructions we issue to iGPR include general instructions on responding to requests and specific instructions on issues that will require further consultation with the GP responsible for your care.

Iris Connect

Our practice uses IRIS Connect to record selected consultations for GP training and educational purposes. Patients will always be asked for their consent before any recording takes place. Participation is entirely voluntary, and choosing not to consent will not affect the care received, the quality of the consultation, or the patient's relationship with the practice.

Recorded consultations are only accessible to the GP Trainee, their GP Trainer, and authorised system administrators. Recordings are retained only for as long as they are required to support the trainee's professional development.

Users are responsible for regularly reviewing their recordings and deleting any that are no longer required in accordance with practice policy. Many recordings become redundant following initial review and feedback and will therefore be deleted promptly.

All recordings will be deleted when they are no longer required for educational purposes or when the trainee leaves the organisation at the end of their placement.

Invoice Validation

If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which ICB 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.

OpenSAFELY

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.

You can find additional information about OpenSAFELY at https://www.opensafely.org/.

Complaints

If you have any concerns about how your information is managed by the GP practice, please see the process outlined below:

• Submit your complaint to the GP practice in the first instance.

• The practice will acknowledge your complaint within 30 days and will respond as promptly as possible.

• If you remain dissatisfied following this review, you have the right to escalate your complaint to the UK supervisory authority.

Information Commissioner:

Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Tel: 0303 1231113 or 01625 545745

https://ico.org.uk/

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

This Practice have appointed Barry Jackson to be the Data Protection Officer (DPO). He is employed by N3i and can be contacted through their service desk on phone: 0300 002 0001 or email: n3i.dpo@nhs.net

Changes

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice Data Protection Officer.