

Fernville Surgery
General Data Protection Regulation (GDPR)
Privacy Notice – Patients

Revision History:

Version number	Date effective	Author	Reviewed and approved by	Reason for change
1	16 May 18	Mark Jones	Lynda Daniel	New document
2	22 May 18	Mark Jones	Lynda Daniel	Updated based on advice received from LMC Law
3	06 June 18	Mark Jones	Lynda Daniel	Add information about research projects and the My Care Record programme
4	29 May 19	Kaushal Dave	Mark Jones	Added information about EMIS data storage
5	26 Mar 20	Kaushal Dave	Lynda Daniel	Accurx Video Consultations & CCG Processing.
6	30 Mar 20	Kaushal Dave	Mark Jones	Addition of information regarding COVID-19 pandemic

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1. Who is this Privacy Notice for?

This Privacy Notice applies to all those who are or have in the past been registered patients of the Practice; and patients using the services of the Practice as Temporary Residents, or for immediately necessary treatment.

We understand how important it is to keep your personal information safe and secure and we take this very seriously. We have taken steps to make sure your personal information is looked after in the best possible way and we review this regularly.

Please read this Privacy Notice carefully, as it contains important information about how we use the personal and healthcare information we collect on your behalf.

2. Why we are providing this Privacy Notice

We are required to provide you with this Privacy Notice by Law. It explains how we use the personal and healthcare information we collect, store and hold about you. If you are unclear about how we process or use your personal and healthcare information, or you have any questions about this Privacy Notice or any other issue regarding your personal and healthcare information, then please do contact our Data Protection Officer (details below).

The Law says:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold on you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

3. The Data Protection Officer

Our Operational Manager, Kaushal Dave has the role of Data Protection Officer for the Practice. You can contact the Data Protection Officer if:

- You have any questions about how your information is being held
- If you require access to your information or if you wish to make a change to your information

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- If you wish to make a complaint about anything to do with the personal and healthcare information we hold about you
- Or any other query relating to this Policy and your rights as a patient.

You can contact the Data Protection Officer by writing to:

Kaushal Dave
Data Protection Officer
Fernville Surgery
Midland Road
Hemel Hempstead
HP2 5BL

By telephone:

01442 213919

By email:

contact.fernville@nhs.net

4. About us

Fernville Surgery situated at Midland Road, Hemel Hempstead HP2 5BL ('the Surgery') is a General Practice operated by Dr R Mapara & Partners; which has entered into a contract with NHS England to provide General Medical Services for patients. We are registered with the Information Commissioner's Office; Registration Number Z5680864.

We at Fernville Surgery are a Data Controller for your information. This means we are responsible for collecting, storing and handling your personal and healthcare information when you register with us as a patient.

There may be times where we also process your information. That means we use it for a particular purpose and, therefore, on those occasions we may also be Data Processors. The purposes for which we use your information are set out in this Privacy Notice.

5. Information we collect from you

Personal data is collected by our clinical staff (doctors, nurses and health care assistants), other clinicians working with in the Practice (such as the midwife or dietician), receptionists and administrative staff.

The information we collect from you will include:

- Your full name and NHS Number
- Your contact details (such as your address, telephone numbers and email address(es), including place of work and work contact details)
- Details and contact numbers of your next of kin
- Your date of birth, gender and ethnicity
- Details of your medical history including:
 - Clinical history
 - Medications
 - Test results and investigations
 - Health plans and alerts
 - Mental health alerts and diagnoses

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- Social care information
- Emergency and out-of-hours treatment
- Social care plan
- Dates of future and past appointments and the clinicians you have seen
- The reasons for your visits to the Surgery

6. Information about you provided by others

We also collect personal information about you when it is sent to us from the following:

- A hospital, a consultant or any other medical or healthcare professional, or any other person involved with your general healthcare.

7. Your summary care record

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England.

This record may be shared with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

You may have the right to demand that this record is not shared with anyone who is not involved in the provision of your direct healthcare. If you wish to enquire further as to your rights in respect of not sharing information on this record then please contact our Data Protection Officer.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, please visit www.nhs.uk/my-data-choice.

Note if you do choose to opt out, you can still consent to your data being used for specific purposes. However, if you are happy with this use of information you do not need to do anything. You may however change your choice at any time.

8. Who we may provide your personal information to and why

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care Services, important information about you is collected to help ensure you get the best possible care and treatment. This information may be passed to other approved organisations where there is a legal basis, to help with planning services, improving care, research into developing new treatments and preventing illness. All of this helps in providing better care to you and your family and future generations. However, as explained in this privacy notice, confidential information about your health and care is only used in this way where allowed by law and would never be used for any other purpose without your clear and explicit consent.

We may pass your personal information on to the following people or organisations, because these organisations may require your information to assist them in the provision of your direct healthcare needs. It, therefore, may be important for them to be able to access your information in order to ensure they may properly deliver their services to you:

- Hospital professionals (such as doctors, consultants, nurses, etc)
- Other GPs/Doctors
- Pharmacists

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- Nurses and other healthcare professionals
- Dentists
- Community Services
- Out of Hours Services
- Ambulance Services
- Any other person that is involved in providing services related to your general healthcare, including mental health professionals.

The people caring for you need to access about your health and care records in order to make the best decisions about your diagnosis, treatment and care. The organisations that could be involved in your care are:

9. Third party processors

In order to deliver the best possible service, we will share data (where required) with other NHS bodies such as:

- Commissioners
- Clinical Commissioning Groups
- Local authorities
- Community health services
- For the purposes of complying with the law e.g. Police, Solicitors, Insurance Companies
- Anyone you have given your consent to, to view or receive your record, or part of your record. Please note, if you give another person or organisation consent to access your record we will need to contact you to verify your consent before we release that record. It is important that you are clear and understand how much and what aspects of, your record you give consent to be disclosed.
- 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 the Clinical Commissioning Group and with other practices whereby certain key “hub” practices offer this service on our behalf for you as a patient to access outside of our opening hours. This means, those key “hub” practices will have to have access to your medical record to be able to offer you the service. Please note to ensure that those practices 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.
- Data Extraction by the Clinical Commissioning Group – the clinical commissioning group at times extracts medical information about you, but the information we pass to them via our computer systems cannot identify you to them. This information only refers to you by way of a code that only your practice can identify (it is pseudo-anonymised). This therefore protects you from anyone who may have access to this information at the Clinical Commissioning Group from ever identifying you as a result of seeing the medical information and we will never give them the information that would enable them to do this.
- There are good reasons why the Clinical Commissioning Group may require this pseudo-anonymised information in order to fulfil their duty to commission safe and effective healthcare for the locality.

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In addition to above we 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. [Click here](#) to view external processors.

10. Anonymised Information

Sometimes we may provide information about you in an anonymised form. If we do so, then none of the information we provide to any other party will identify you as an individual and cannot be traced back to you.

11. Your rights as a patient

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

Access and Subject Access Requests

You have the right to see what information we hold about you and to request a copy of this information.

If you would like a copy of the information we hold about you please email our Data Protection Officer. We will provide this information free of charge however, we may in some limited and exceptional circumstances have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive.

We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.

Online Access

You may ask us if you wish to have online access to your medical record. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

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Correction

We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details including your mobile phone number has changed.

Removal

You have the right to ask for your information to be removed however, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.

Objection

We cannot share your information with anyone else for a purpose that is not directly related to your health, e.g. medical research, educational purposes, etc. We would ask you for your consent in order to do this however, you have the right to request that your personal and healthcare information is not shared by the Surgery in this way. Please note the Anonymised Information section in this Privacy Notice.

Transfer

You have the right to request that your personal and/or healthcare information is transferred, in an electronic form (or other form), to another organisation, but we will require your clear consent to be able to do this.

12. Third parties mentioned in your medical record

Sometimes we record information about third parties mentioned by you to us during any consultation. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself. Third parties can include: spouses, partners, and other family members.

13. How we use the information about you

We use your personal and healthcare information in the following ways:

- When we need to speak to, or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or on going healthcare.
- We participate in the *My Care Record* programme to help ensure that health and care professionals directly involved in a patient's care have access to the most up-to-date information about them.
 - *My Care Record* will provide health and social care professionals directly involved in your care, access to the most up-to-date information about you and will provide better, joined-up care for our patients in west Hertfordshire.
 - Currently, you will be asked at the point of treatment whether your information can be accessed by a clinician or health and care professional.
 - *My Care Record* does not share your record, but provides health and care clinicians and professionals' access to view information relevant to your care and treatment.
 - Allowing access to your record will ensure that health and social care professionals have an overview of your care in order to make the best decisions about your diagnosis and treatment.
 - You can opt out, but this will mean we won't be able to see your history (eg what medications you are on or what long term conditions you have) to provide the best possible care.

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- You are in control and can change your mind at any time to limit who accesses your information and for what time period.
- Third parties, private companies or health and care staff not directly involved in your care will NOT be able to access your record.

Further information about *My Care Record* can be found on our practice website.

- When we are required by Law to hand over your information to any other organisation, such as the police, by court order, solicitors, or immigration enforcement.

We will never pass on your personal information to anyone else who does not need it, or has no right to it, unless you give us clear consent to do so.

14. Research projects

We are part of a network of General Practices in Hertfordshire who host medical research on a regular basis. Patients registered with this practice have an opportunity to help shape the future of health care by taking part in research projects. From time to time we may invite you to participate in a research project. Contacting you in this way we consider to be a “Public Task” (see below). However, you will not be enrolled to participate in a research project without your explicit consent.

15. Use of AccuRx for video consultations

The Practice is using AccuRx to carry out video consultations. The consultation is not stored or recorded within the AccuRx system, the clinical staff member is required to record observations and outcomes of the consultation directly into patient records in the same way as a face to face consultation.

16. Coronavirus (COVID-19) pandemic

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the COVID-19 pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20th March 2020 the Secretary of State for Health and Social Care issued a notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

Please note that this notice has now been revised and extended by a further notice from 29th July 2020 until 31st March 2021.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the COVID-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease. Additionally, the use of your information is now required to support NHS Test and Trace.

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Please be assured that we will only share information and health data that is necessary to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on 31st March 2021 unless a further extension is required. Any further extension will be provided in writing and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

17. Legal justification for collecting and using your information

The Law says we need a **legal basis** to handle your personal and healthcare information.

CONTRACT: We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

CONSENT: Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

NECESSARY CARE: Providing you with the appropriate healthcare, where necessary. The Law refers to this as 'protecting your vital interests' where you may be in a position not to be able to consent.

LAW: Sometimes the Law obliges us to provide your information to an organisation (see above).

PUBLIC TASK: Sometimes we have reason to perform a task in the public interest, which has a clear basis in law.

18. Special categories

The Law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

PUBLIC INTEREST: Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment.

CONSENT: When you have given us consent.

VITAL INTEREST: If you are incapable of giving consent, and we have to use your information to protect your vital interests (e.g. if you have had an accident and you need emergency treatment).

DEFENDING A CLAIM: If we need your information to defend a legal claim against us by you, or by another party.

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PROVIDING YOU WITH MEDICAL CARE: Where we need your information to provide you with medical and healthcare services.

19. How long we keep your personal information

We carefully consider any personal information that we store about you, and we will not keep your information for longer than is necessary for the purposes as set out in this Privacy Notice.

20. If English is not your first language

If English is not your first language you can request a translation of this Privacy Notice. Please contact our Data Protection Officer.

21. Complaints

If you have a concern about the way we handle your personal data or you have a complaint about what we are doing, or how we have used or handled your personal and/or healthcare information, then please contact our Data Protection Officer.

However, you have a right to raise any concern or complaint with the UK information regulator, at the Information Commissioner's Office: <https://ico.org.uk/>.

22. Our website

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

23. Cookies

The Surgery's website does not use cookies.

24. Security

We take the security of your information very seriously and we do everything we can to ensure that your information is always protected and secure. We regularly update our processes and systems and we also ensure that our staff are properly trained. We also carry out assessments and audits of the information that we hold about you and make sure that if we provide any other services, we carry out proper assessments and security reviews.

25. Text messaging and contacting you

Because we are obliged to protect any confidential information we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

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 are sure we are actually contacting you and not another person.

26. Where to find our Privacy Notice

You may find a copy of this Privacy Notice in the Surgery's reception, on our website, or a copy may be provided on request.

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27. Changes to our Privacy Notice

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on the date listed above.

28. Miscellaneous

Copy of a [poster](#) displayed in the reception area regarding the policy