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| **Author and Role:** | Dr Navin Kumar & Jan Lenny Practice Manager |
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**Fair Processing Notice under the General Data Protection**

**Regulations (GDPR) 2018 (formerly the Data Protection Act 1998) - How we use your personal information**

This fair processing notice explains why the GP practice collects information about you and how that information may be used.

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 solutions to ensure that your information is kept confidential and secure. Records which this Practice holds about you may include the following information:

* Details about you, such as your address, carer, legal representative, emergency contact details, next of kin
* Any contact the surgery has had with you, such as appointments, telephone, letters submitted by you, 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. Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – if this information needs to be identifiable, the surgery will always gain your explicit consent before releasing the information for this purpose.

**Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person’s risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your anonymised information using software managed by our clinical system provider, 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.

**Medicine Management**

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided by pharmacists and Technicians employed Southend Clinical Commissioning Group. They are bound by the same confidentiality rules as our staff are.

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

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

* General Data Protection Regulations 2018 (formerly Data Protection Act 1998)
* Human Rights Act 1998
* Common Law Duty of Confidentiality
* Health and Social Care Act 2012
* NHS Codes of Confidentiality, Information Security and Records Management
* Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. Any visitor to the premises who will or could be exposed to your identifiable information will sign a confidentiality agreement.

We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the new information sharing principle following Dame Fiona Caldicott’s information sharing review (Information to share or not to share) where “The duty to share information can be as important as the duty to protect patient confidentiality.” This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

**Who are our partner organisations?**

* NHS Trusts / Foundation Trusts
* GP’s
* NHS Commissioning Support Units
* Independent Contractors such as dentists, opticians, pharmacists
* Private Sector Providers
* Voluntary Sector Providers
* Ambulance Trusts
* Clinical Commissioning Groups
* Social Care Services
* Health and Social Care Information Centre (HSCIC)
* Local Authorities
* Education Services
* Fire and Rescue Services
* Police & Judicial Services
* Voluntary Sector Providers
* Private Sector Providers
* Other ‘data processors’ which you will be informed of

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

**Who are our partner software suppliers / businesses?**

We use a number of pieces of software and organisations outside of the NHS to facilitate your healthcare and enable our staff to contact you. These are as follows:

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| **Name** | **Description** | **Can employees of the organisation access patient information?** | **GDPR statement** |
| System one | Clinical system holds patient demographic and medical information – remote server | The servers and the connection to the practice are encrypted, so system one staff are not able to access patient information in this way. System one support staff are able to dial in remotely with the consent of our staff for problem solving. | (only accessible with a log in so information in Appendix 1) |
| Daisy | Telephone system – call recording onto a server located within the practice | All the recordings are physically located within the practice. Support staff from 4com are able to dial in remotely with the consent of our staff for problem solving. | <https://www.4com.co.uk/privacy-policy/> |
| IPLATO | SMS and smart messaging system between the practice and patients. | IPLATO is provided by NHS Mid and South Essex ICB  The website has an encrypted link to the patient database which is interrogated for the patient’s name and mobile number. Iplato employees would only have access to this identifiable information when troubleshooting – | NHS healthcare organisations that currently use iPLATO Connect have a clear and unambiguous ability and legal basis for sharing data with iPLATO for processing patient data to deliver healthcare services, under the Data Protection Act.  IPLATO Healthcare Limited |
| iGPR | iGPR is a software tool that assists us with creating insurance reports. | Waiting for information | <http://www.igpr.co.uk/privacy/> |
| MDU / MPS / MDDUS | Indemnity organisations | We will sometimes send by email or discuss by phone identifiable information when the organisation is supporting a GP in a patient complaint or litigation. Information will be redacted where possible. | <https://www.themdu.com/privacy-policy>  <https://www.medicalprotection.org/home/privacy-cookies-policy>  <https://www.mddus.com/mddus-policies/privacy-notice> |
| Health Intelligence | Manage recall and screening of diabetic patients for diabetic retinopathy | The Diabetic Eye Screening Programme is operated by Health Intelligence (commissioned by NHS England). This supports invitation for eye screening and ongoing care. This data may be shared with any Hospital Eye Services a patient is under the care of to support further treatment and with other healthcare professionals involved in patient care. | <http://www.desphiow.co.uk/diabetic-eye-screening/privacy-notice/> |

**Access to personal information / Subject Access Requests**

You have a right under the General Data Protection Regulations 2018 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. In order to request this, you need to do the following:

* Your request must be made in writing to the GP, this can be made by email or letter (note for information from the hospital you should write direct to them)
* We will initially offer you online access to your Detailed Coded Record. This contains your electronic medical record, and summarised paper record. It does not contain any letters from the hospitals or other attachments on your record. The advantage of applying for access to this record is that is updates as your medical record updates, so you will always have the most current information.
* If the Detailed Coded Record is not adequate for your needs, we will email you a copy of your medical record. If you are not able to receive an email containing your medical record, you will print a copy for you. There may be a charge to have a printed copy of the information held about you if the administrative burden of photocopying and printing is excessive.
* We are required to respond to you within 20 days
* 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

**Objections / Complaints**

Should you have any concerns about how your information is managed at the GP, please contact the Practice Manager by email, telephone or letter. If you are still unhappy following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) [www.ico.gov.uk](http://www.ico.gov.uk/), casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745.

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

**Cookies**

Our practice website uses cookies to function correctly. You may delete cookies at any time but doing so may result in some parts of the site not working correctly.

**Change of Details**

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

**Notification**

The General Data Protection Regulations 2018 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

This information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk/)

The practice is registered with the Information Commissioners Office (ICO).

**Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is: Central Surgery

If you are still unhappy following a review by the Practice you can then complain to the Information Commissioners Office (ICO). [**www.ico.org.uk**](http://www.ico.org.uk/), casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745.

**Who is the Data Protection Officer?**

As a public authority, we have to appoint a Data Protection Officer (DPO). This Practice has a reciprocal arrangement with Southend CCG.

## APPENDIX 1

# GDPR (General Data Protection Regulation)

## What is GDPR?

Each member state in the EU operates under the current 1995 data protection regulation and has its own national laws. In the UK, the current Data Protection Act 1998 sets out how your personal information can be used.

The General Data Protection Regulation (GDPR) changes how data can be used and is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen data protection. Companies who hold or process data need to be compliant with the GDPR regulation by 25 May 2018.

### Raising awareness

We’re raising awareness of information governance issues across the group through: the delivery of bespoke training, training modules, use of our internal newsletters and the revised [IG](https://supportcentre.emishealth.com/glossary/ig/) toolkit made available by [NHS Digital](https://supportcentre.emishealth.com/glossary/nhs-digital/).

We’re revisiting our data breach management policy, including arrangements for compulsory breach notification, so that staff know who to contact should an incident arise.

We will engage with sector specific bodies active in setting standards (e.g. the Information Governance Alliance) so that we are aware of any relevant industry codes of practice.

### Product Development

We’re engaging with our product development teams to identify those elements of the GDPR which we believe may have impact on solution design going forward.

We’re revisiting our data protection impact assessment process to ensure that PIA’s are undertaken as required.

### Review Data Security

We recognise the need to meet the integrity and confidentiality principles under the GDPR. Therefore we’re reviewing the below to ensure that they are fit for purpose:

* Data security standards.
* Data breach, storage and destruction policies and management.
* Data security action plan.

### Data Protection Officer

The CCG have provided DPO with overall responsibility for compliance.

### Policy & Contract Review

We’re reviewing and updating the below to ensure that they are fit for purpose:

* Data privacy related policies and procedures.
* Data sharing agreements and process.
* Fair processing notices (privacy policies) & website terms.

We will review and revise as appropriate our own terms and conditions and those put forward by our customers so that they reflect the requirements of the new regime.