

## **Fair Processing Notice (Privacy Notice)**

### **Your Personal Information – what you need to know**

#### **Your information, what you need to know**

This privacy notice explains why we collect information about you, how that information will be used, how we keep it safe and confidential and what your rights are in relation to this.

#### **Why we collect information about you**

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received. These records help to provide you with the best possible healthcare and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form.

#### **Our Commitment to Data Privacy and Confidentiality Issues**

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/679 (GDPR) now known as the UK GDPR, the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national Laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communications (EC Directive) Regulations.

#### **Data we collect about you**

Records which this GP Practice will hold or share about you will include the following:

- **Personal Data** – means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Special Categories of Personal Data** – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

- Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (e.g. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information ‘given in confidence’ and ‘that which is owed a duty of confidence’. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.
- Pseudonymised – The process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their ‘real world’ identity.
- Anonymised – Data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place
- Aggregated – Statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

### How we use your information

Improvements in information technology are also making it possible for us to share data with other healthcare organisations for the purpose of providing you, your family and your community with better care. For example it is possible for healthcare professionals in other services to access your record with or without your permission when the practice is closed. Where your record is accessed without your permission it is necessary for them to have a legitimate basis in law. This is explained further in the Local Information Sharing at Appendix A.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided by the service
- research into the development of new treatments and care pathways
- preventing illness and diseases
- monitoring safety
- planning services
- risk stratification
- Population Health Management

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law or with consent.

Pseudonymised or anonymised data is generally used for research and planning so that you cannot be identified.

***A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.***

## How long do we hold information for?

All records held by the Practice will be kept for the duration specified by national guidance from [NHS Digital, Health and Social Care Records Code of Practice](#). Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our information asset registers, in line with the Records Management Code of Practice for Health and Social Care 2021.

## Individuals Rights under UK GDPR

Under UK GDPR 2016 the Law provides the following rights for individuals. The NHS upholds these rights in a number of ways.

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure (not an absolute right) only applies in certain circumstances
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling. For further information please visit

## Your right to opt out of data sharing and processing

The NHS Constitution states ‘You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered’. For further information please visit: [NHS Constitution for England - GOV.UK \(www.gov.uk\)](#)

## Under 16s

The law says that you can make your own decisions about having treatment. This includes getting contraception, and also discussing/having an abortion, without your parent’s permission.

This will generally be the case if:

- You are regarded as ‘competent’ – This means that you have to clearly understand the treatment you will be receiving, and also how it will affect you
- Your health will suffer if you don’t receive this treatment, and that the treatment is in your best interests

So if you are 16 or under, the GP will have a chat with you about the problem, the treatment and will try to make an assessment through this discussion as to whether you are ‘competent’ to make the decision yourself. They will probably ask you why you don’t want your parents or care givers to know, and may suggest talking it through with them first. It is worth remembering however that no doctor can persuade or force you to tell your parents about the treatment you are having.

Doctors also cannot tell your parents about your treatment (even if you are under 16) if you don’t want them to, apart from in very exceptional circumstances. This is called doctor-patient confidentiality, and all doctors and nurses are legally bound by it.

Please see children's privacy policy.

### **Type 1 Opt Out**

This is an objection that prevents an individual's personal confidential information from being shared outside of their general practice except when it is being used for the purposes of their individual direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. If patients wish to apply a Type 1 Opt Out to their record they should make their wishes known to the practice manager.

### **National data opt-out**

The national data opt-out was introduced on 25 May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

By 2020 all health and care organisations are required to apply national data opt-outs where confidential patient information is used for research and planning purposes. NHS Digital has been applying national data opt-outs since May 2018. Public Health England has been applying national data opt-outs since September 2018.

The national data opt-out replaces the previous 'type 2' opt-out, which required NHS Digital not to use a patient's confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to [National data opt out programme](#)

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters).

On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

### **NHS Digital**

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services
- It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients
- This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012

- More information about NHS Digital and how it uses information can be found at:

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

NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here:

[Information requests from the Home Office to NHS Digital - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/immigration-and-refugees)

### **Videos – Training Practice**

Knowle Green Medical is a training practice involved in the training of both Foundation Doctors and ST Doctors. As part of their training, these doctors may be required to video some of their consultations. If this is taking place, you will be asked to sign a consent form before and after this consultation. Your consultation will not be videoed without your consent. If you do consent to this, then the videos will be viewed by the trainee and the trainee's supervisor, currently Dr Nuttall. Once viewed, the videos are deleted immediately. The video camera is stored securely within the GP Practice.

### **Right of Access to your information (Subject Access Request)**

Under Data Protection Legislation everybody has the right of access to, or request a copy of, information we hold that can identify them, this includes medical records. There are some safeguards regarding what patients will have access to and they may find information has been redacted or removed for the following reasons;

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third-party information are adhered to

You do not need to give a reason to see your data. And requests can be made verbally or in writing. Although we may ask them to complete a form in order that we can ensure that they have the correct information required.

Where multiple copies of the same information is requested the surgery may charge a reasonable fee for the additional copies.

Patients will need to provide proof of identity to receive this information.

Patients may also request to have online access to their data, they may do this via the [NHS APP](#), or via the practices system. If you would like to access your GP record online click here [Knowle Green Medical](#)

### **Change of Details**

It is important that you tell the surgery if any of your contact details such as your name or address have changed, or if any of your other contacts details are incorrect including third party emergency contact details. It is important that we are made aware of any changes **immediately** in order that no information is shared in error.

### **Mobile telephone number**

If you provide us with your mobile phone number, we will use this to send you text reminders about your appointments or other health screening information. Please let us know if you do not wish to receive text reminders on your mobile.

## Email address

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide. If you do not wish to receive communications by email please let us know.

## Notification

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

We are registered as a Data Controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what\\_we\\_cover/register\\_of\\_data\\_controllers](http://ico.org.uk/what_we_cover/register_of_data_controllers)

Any changes to this notice will be published on our website and in a prominent area at the Practice.

## Data Protection Officer

Should you have any data protection questions or concerns, please contact our Data Protection Officer :

Name: Daniel Lo Russo,

Email address: [syheartlandsicb.informationgovernance@nhs.net](mailto:syheartlandsicb.informationgovernance@nhs.net)

Telephone: 07811 355 274

Address: Surrey Heartlands, Block C, 1st Floor, Dukes Court, Duke Street, Woking, Surrey, GU21 5BH

## What is the right to know?

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non-personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However you can request this under a right of access request – see section above ‘Access to your information’.

## Right to Complain

If you have concerns or are unhappy about any of our services, please contact the Practice Manager.

For independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Phone: 0303 123 1113 Website: <https://ico.org.uk/global/contact-us>

## The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under Data Protection Legislation. A copy of the NHS Care Record Guarantee can be downloaded [here](#)

## The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programs available to you, confidentiality, information and your right to complain if things go wrong.

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

## OpenSAFELY data Analytics

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/>

## Record of Processing Activity

OpenSAFELY is a secure platform that enables approved users to run queries on pseudonymised GP and NHSE patient data for research and planning purposes without the patient identifiable data being seen or accessed. - The GP data resides in the GP system suppliers (GPSS) data estate (sometimes referred to as "boundary"). - The GP data is pseudonymised by the GPSSs. NHS England's (NHSE) pseudonymised data is shared with the GP System Suppliers to hold in their secure data estate, under agreement via data processing agreements held directly with the GPSSs. - The NHSE data is linked with the pseudonymised GP data and is queried. The results (of the query) are processed within the GP System Supplier's secure environment. At point of query, NHSE becomes the data controller for the linked results, as per the Direction and DPN. - The results (outputs) are presented as aggregated data with small number suppression, no patient identifiable data is transferred or disclosed.



## Document Control

**This document was created by NHS South Central and West Commissioning Support Unit (SCW) and as such the Intellectual Property Rights of this document belong to SCW.**

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<i>Privacy Notice Primary Care template</i>	3.0	Published	NHS SCW Information Governance Services
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## Change record

Date	Author	Version	Page	Reason for Change
21.07.2020	SCW	2	All	Review for Website publication
25.08.2021	SCW	3	All	Review for Website publication, minor changes made, to links and addition of covid and online access.
24.12.21	SCW	3.1	5 & 7	NHS Care Record guarantee link and Document control page updated