# **Willenhall Oak Medical Centre**

# **GDPR Privacy Notice**

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

This privacy notice explains why our practice collects information about you and how that information may be used and shared how we keep it safe and confidential and what your rights are in relation to this.

The employees and partners of the practice use electronic and paper records to create and maintain an in-depth history of your NHS medical care at the practice and elsewhere, to help ensure you receive the best possible health care. Anyone who accesses your data within the practice can only do so using a ‘smartcard’ that identifies him/her and what he/she accessed.

We comply with the Data Protection Act in ensuring your personal information is as confidential and secure as possible.

**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 within any NHS organisation. These records help to provide you with the best possible health care.

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 may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

**Details we collect about you**

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. from Hospitals, GP Surgeries, A&E, etc.). These records help to provide you with the best possible healthcare. Records which this GP Practice may hold about you may include the following:

* Details about you, such as your address and next of kin, legal representatives
* Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, telephone consultations 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

**How we keep your information confidential and safe**

Everyone working for our organisation is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for specific purposes in accordance with the law.

The NHS Digital Code of Practice on Confidential Information <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/code-of-practice-on-confidential-information>  applies to all NHS staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive regular training on how to do this.

The health records we use 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. Your records are backed up securely in line with NHS standard procedures.

We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

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

* Data Protection Act 2018
* Human Rights Act
* Common Law Duty of Confidentiality
* NHS Codes of Confidentiality and Information Security
* Health and Social Care Act 2015
* And all applicable legislation

We have a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing. This person is called the Caldicott Guardian. The Caldicott Guardian for the practice is Dr Eirlys Williams who can be contacted using the contact details on the website.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if we reasonably believe that 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 (such as a risk of serious harm to yourself or others) or where the law requires information to be passed on.

**Third party processors or service providers**

When the practice uses a third party service provider to process data on our behalf 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 practice instructions and that they are operating appropriately.

Third party include companies that provide IT services and support, including our clinical and document management systems; data hosting service providers, patient facing service providers such as integrated telephone systems, website, electronic prescription services etc.

**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 your permission when the practice is closed.

Under the powers of the Health and Social Care Act 2015, NHS Digital can request personal confidential data from GP Practices without seeking patient consent for a number of specific purposes, which are set out in law. You may choose to withdraw your consent to personal data being shared for these purposes. New data sharing agreements will be displayed on the practice noticeboard/ TV screen and on our website before the scheme starts with instructions provided on how to opt out of each new scheme.

You can object to your personal information being shared with other healthcare providers but should be aware that this may, in some instances, affect your care as important information about your health might not be available to healthcare staff in other organisations. If this limits the treatment that you can receive then the practice staff will explain this to you at the time you object.

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.

**Child Health Information**

We wish to make sure that your child has the opportunity to have immunisations and health checks when they are due. We share information about childhood immunisations and health checks with child health south Warwickshire, health visitors and school nurses.

**Clinical audit**

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes (e.g. the National Diabetes Audit). When this happens, strict measures are taken to ensure that individual patients cannot be identified from the data.

**Clinical Research**

Occasionally your information may be requested to be used for research purposes, we will always ask your permission before releasing your information for this purpose.

**Individual Funding Request**

An ‘Individual Funding Request’ is a request made on your behalf, with your consent, by a doctor, for funding of specialised healthcare which falls outside the range of services and treatments that the ICBG has agreed to commission for the local population. An Individual Funding Request is taken under consideration when a case can be set out by a patient’s doctor that there are exceptional clinical circumstances which make the patient’s case different from other patients with the same condition who are at the same stage of their disease, or when the request is for a treatment that is regarded as new or experimental and where there are no other similar patients who would benefit from this treatment. A detailed response, including the criteria considered in arriving at the decision, will be provided to your GP.

**Invoice Validation**

Invoice validation is an important process. It involves using your NHS number to check which CCG is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

**Local Information Sharing – sharing your data outside the practice**

As a result of improvements in information technology and appropriate information governance standards, it is becoming possible to share your GP records across Coventry & Warwickshire Health & Social Care electronically using the practice clinical system.

Your GP electronic patient record is held securely and confidentially on an electronic system. If you require attention from a local health or care professional outside of your usual practice services, such as an Emergency Department, Minor Injury Unit Out Of Hours service, 111 services, ambulance services, the professionals treating you are better able to give you safe and effective care if some of the information from your GP record is available to them.

In all cases, your information is only accessed and used by authorised health and social care staff who are involved in providing or supporting your direct care. Your permission will always be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the healthcare professional is unable to ask you and this is deemed to be in your best interests (which will then be logged). Any patient can choose to withdraw their consent to their data being used in this way. These schemes are only for direct care so you (or your carer) will be present when the information is accessed and will be asked for consent again, before your records are opened.

A patient can object to their personal information being shared with other health care providers and can withhold consent but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

Willenhall oak Medical Centre works with other health and social care organisations to share information that will form part of your Integrated Care Record. The Integrated Care Record allows health and care professionals involved in your care to view your records to help them understand your needs and make the best decisions with you, and for you. Information we hold about you will be available, to read only, to other Health and care professionals in Coventry and Warwickshire, Birmingham and Solihull, and Herefordshire and Worcestershire when they are involved in your health or social care.

 For more information on how your data is used on the Integrated Care Record and how to exercise your rights please see the [full Privacy Notice](https://www.happyhealthylives.uk/our-priorities/digital-transformation/integrated-care-record/privacy-notice/) or copy and paste this link <https://www.happyhealthylives.uk/our-priorities/digital-transformation/integrated-care-record/privacy-notice/>

**Supporting Locally Commissioned Services**

ICBs support GP practices by auditing anonymised data to monitor locally commissioned services, measure prevalence and support data quality. The data does not include identifiable information and is used to support patient care and ensure providers are correctly paid for the services they provide.

**National Fraud Initiative – Cabinet Office**

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 2018.

Data matching by the Cabinet Office is subject to a Code of Practice. For further information see:

<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

**National Registries**

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

**Risk Stratification**

‘Risk stratification is a process for identifying and managing patients who have or may be at-risk of health conditions (such as diabetes) or who are most likely to need healthcare services (such as people with frailty). Risk stratification tools used in the NHS help determine a person’s risk of suffering a particular condition and enable us to focus on preventing ill health before it develops. Information about you is collected from a number of sources including NHS Trusts, and your GP Practice.

Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information about risk stratification is available from: [https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification /](https://www.england.nhs.uk/ig/risk-stratification/)

If you do not wish information about you to be included in any risk stratification programmes, please let us know. Please be aware that this may limit the ability of healthcare professionals to identify if you have or are at risk of developing certain serious health conditions.

**Safeguarding**

To ensure that adult and children’s safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it’s legally required for the safety of the individuals concerned.

**Summary Care Record (SCR)**

The NHS in England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

All patients registered with a GP have a [Summary Care Record](https://digital.nhs.uk/services/summary-care-records-scr/summary-care-records-scr-information-for-patients), unless they have chosen not to have one. The information held in your Summary Care Record gives registered and regulated healthcare professionals, away from your usual GP practice, access to information to provide you with safer care, reduce the risk of prescribing errors and improve your patient experience.

**https://digital.nhs.uk/services/summary-care-records-scr/summary-care-record-supplementary-transparency-notice**

Your [Summary Care Record contains basic (Core) information](https://digital.nhs.uk/services/summary-care-records-scr/summary-care-records-scr-information-for-patients) about allergies and medications and any reactions that you have had to medication in the past.

Some patients, including many with long term health conditions, previously have agreed to have [Additional Information](https://digital.nhs.uk/services/summary-care-records-scr/additional-information-in-scr) shared as part of their Summary Care Record. This Additional Information includes information about significant medical history (past and present), reasons for medications, care plan information and immunisations.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an emergency.

Your records will stay as they are now with information being shared by letter, email, fax or phone. If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.

**Change to information held in your Summary Care Record**

During the pandemic, the Department of Health and Social Care removed the requirement for a patient’s prior explicit consent to share Additional Information as part of the Summary Care Record.

This is because the Secretary of State for Health and Social Care issued a[legal notice to healthcare bodies requiring them to share confidential patient information with other healthcare bodies where this is required to diagnose, control and prevent the spread of the virus and manage the pandemic.](https://www.nhsx.nhs.uk/covid-19-response/data-and-covid-19/information-governance/covid-19-information-governance-advice-ig-professionals/) This included sharing Additional Information through Summary Care Records, unless a patient objected to this.

If you have already expressed a preference to only have Core information shared in your Summary Care Record, or to opt-out completely of having a Summary Care Record, these preferences will continue to be respected and this change will not apply to you. For everyone else, the Summary Care Record will be updated to include the Additional Information.

This change will be continued after the coronavirus (COVID-19) pandemic period.

**Supporting Medicines Management**

ICB’s support local GP practices with prescribing queries, which may require identifiable information to be shared. Pharmacists and pharmacy technicians work with your usual GP to provide advice on medicines, prescription ordering processes, prescribing queries, and review prescribing of medicines to ensure that it is appropriate for your individual needs, safe and cost-effective. Where specialist prescribing support is required, the ICB medicines management team may discuss product choice with your GP and your nominated community pharmacist to ensure evidence based cost effective choices are made to support your care.

**Data Retention**

We manage patient records in line with the Records Management NHS Code of Practice for Health and Social Care which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

**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 and specialist hospitals Trusts
* Independent Contractors such as dentists, opticians, pharmacists
* Private Sector Providers
* Voluntary Sector Providers
* Ambulance Trusts
* Clinical Commissioning Groups
* Social Care Services
* Local Authorities
* Education Services
* Fire and Rescue Services
* Police
* Other ‘data processors’

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function.

Within the health partner organisations and in relation to the above mentioned themes we will assume you are happy to for your information to be shared unless you choose to opt-out (see below). This means you will need to express an explicit wish to not have your information shared with the other organisations; otherwise it will be automatically shared.

We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

**Your Rights**

**Your right to withdraw consent for us to share your personal information (Opt Out)**

The national data opt-out was introduced on 25 May 2018, providing a facility for individuals to opt-out from the use of their data for research or planning purposes. The national data opt-out replaces the previous ‘type 2’ opt-out, which required NHS Digital not to share a patient’s confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out has had it automatically converted to a national data opt-out from 25 May 2018 and has received a letter giving them more information and a leaflet explaining the new national data opt-out.

If a patient wants to change their choice, they can use the new service to do this.  You can find out more from the practice or by clicking here <https://www.nhs.uk/your-nhs-data-matters/>

**Patients who have a type 1 opt-out**

Some patients will have a type 1 opt-out registered with their GP practice, which prevents their confidential patient information leaving the practice for research and planning purposes. These existing type 1 opt-outs will continue to be respected until the Department of Health and Social Care will consult with the National Data Guardian on their removal.

**How the NHS and care services use your information and why general practice shares your data with NHS Digital for planning and research**

Whenever you use a health or care service, important information about you is collected in a patient record for that service 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

• research into the development of new treatments

• preventing illness and diseases

* monitoring safety

• planning services

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.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn’t needed.

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

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

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

You can also find out more about how patient information is used at:

[https://www.hra.nhs.uk/information-about-patients/](https://www.hra.nhs.uk/information-about-patients/%20) (which covers health and care research); and

<https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

**You can change your mind about your choice at any time.**

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Your choice will be applied to any confidential patient information used or shared for purposes beyond your individual care. Our organisation is compliant with the national data opt-out policy.

**Access to Your Personal Information**

You are entitled to obtain a copy of the personal information held about you by the practice. You can view this or request copies of the records by making a [subject access request](https://ico.org.uk/for-the-public/personal-information/) to the practice in writing Any request to access or obtain a copy of this information will be considered in line with data protection legislation. Under special circumstances, some information may be withheld

This is generally free of charge unless your request is very complicated and/or unreasonably excessive; if you require further copies of information already provided to you we may charge a reasonable administrative fee.

**Right to Rectification**

This right allows you to ask for any information you believe to be inaccurate or incomplete to be corrected. We are allowed one month from the date of your request in which to perform any such corrections or add supplementary statements. We will communicate any rectification of information to anyone to whom it has been disclosed unless this is not possible or involves disproportionate effort. We will tell you who those recipients are if you ask us.

**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 are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

**Mobile telephone number**

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

**Notification**

Willenhall Oak Medical Centre is registered as a data controller with the Information Commissioners Office (ICO) to describe the purposes for which we process personal and sensitive information.

Our registration number **is A8956292** and can be viewed online in the public register at <http://ico.org.uk/what_we> \_cover/register\_of\_data\_controllers

Data Protection Officer (DPO)

As a public authority the practice must appoint a DPO. The DPO is an essential role in facilitating ‘accountability’ and the organisation’s ability to demonstrate compliance with the data protection legislation. The DPO is Judith Jordan who can be contacted at agem.dpo@nhs.net

**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: [www.ico.gov.uk](https://ico.org.uk/)

**Further Information**

The [NHS Care Record Guarantee for England](http://parkroadpracticewallsend.nhs.uk/wp-content/uploads/sites/26/2019/06/Care-Record-Guarantee.pdf) sets out the rules that govern how patient information is used in the NHS and what control patients can have over this, individual rights to request copies of their data and how it is protected.

The [NHS Constitution](https://www.gov.uk/government/publications/the-nhs-constitution-for-england) establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities, which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

**Reviews of and Changes to our Privacy Notice**

We will keep our Privacy Notice under regular review. This notice was last reviewed in March 2023