

Topcliffe Surgery Policies

Privacy Notice

Date of implementation: *March 2019*

Date of last review: *August 2021*

Date of next review: *March 2022*

HOW TOPCLIFFE SURGERY USES YOUR INFORMATION

Overview:

As part of the services we offer, we are required to process personal data about our patients and our staff, and, in some instances, the friends or relatives of our patients and staff. "Processing" can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to being transparent about why we need your personal data and what we do with it. This information is set out in this privacy notice. It also explains your rights when it comes to your data. Topcliffe Surgery complies with the General Data Protection Regulation.

If you have any concerns or questions please contact us, the data controller at: Topcliffe Surgery, Long Street, Topcliffe, Thirsk. YO7 3RP Tel: 01845 577297

Specifically you may contact our Data Protection Champion: Dr C Wood, Topcliffe Surgery, Long Street, Topcliffe, Thirsk. YO7 3RP Tel: 01845 577297

Patients (Service Users):

We hold your medical record so that we can provide you with safe care and treatment. We will also use your information so that Topcliffe Surgery can check and review the quality of the care we provide. This helps us to improve our services to you. For example:

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, your GP will share information when they refer you to a specialist in a hospital. Or your GP will send details about your prescription to your chosen pharmacy.
- **Medicines Management:** Your GP Practice supports a medicines management review service of medications prescribed to its patients. This service involves a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. This service is provided by qualified and registered healthcare professionals from within the GP practice, our NHS Primary Care Network, NHS North Yorkshire Clinical Commissioning Group or by external partners approved by the GP practice. Patient identifiable information does not leave the practice system but is accessed to ensure only appropriate clinical recommendations or decisions are made for each patient. Each patient can opt out of (or back into) the practice using their data for anything other than specified purposes or where there is a lawful requirement to do so.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any

allergic reactions. This will involve the use of your Summary Care Record. For more information see: <https://digital.nhs.uk/summary-care-records> or alternatively ask at reception.

- You have the right to object to information being shared for your own care. Please speak to reception if you wish to object. You also have the right to have any mistakes or errors corrected.

There are five other areas where your information may be shared:

1. Other important information about how your information is used to provide you with healthcare/safe care/treatment

a. Registering for NHS care

- All patients who receive NHS care are registered on a national database.
- This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
- The database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data.
- More information can be found at: <https://digital.nhs.uk/> or the phone number for general enquires at NHS Digital is 0300 303 5678

b. Identifying patients who might be at risk of certain diseases

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
- This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used.
- Information which identifies you will only be seen by this practice.
- For more information please speak to the practice.

c. Safeguarding

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.
- These circumstances are rare.
- We do not need your consent or agreement to do this.
- Please see our local policies for more information:
- www.topcliffesurgery.co.uk or <http://www.safeguardingchildren.co.uk/>

<p>Table A</p> <p>Purpose of the processing data to provide you with healthcare/safe care/treatment</p>	<ul style="list-style-type: none"> • To give direct health or social care to individual patients. • For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care. • To check and review the quality of care. (This is called audit and clinical governance).
<p>Lawful basis for processing data to provide you with</p>	<p>These purposes are supported under the following sections of the GDPR:</p>

healthcare/safe care/treatment	<p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and</i></p> <p><i>Article 9(2)(h) ‘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 and services...’</i></p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>
<p>Recipient or categories of recipients of the processed data for healthcare/safe care/treatment</p>	<p>The data will be shared with:</p> <ul style="list-style-type: none"> • healthcare professionals and staff in this surgery; • local hospitals; • out of hours services; • diagnostic and treatment centres; • or other organisations involved in the provision of direct care to individual patients. • NHS Trusts / Foundation Trusts • NHS Commissioning Support Units • Independent Contractors such as dentists, opticians, pharmacists • Private Sector Providers – Private Hospitals • Voluntary Sector Providers – Carer’s Response • Ambulance Trusts • Clinical Commissioning Groups • Social Care Services • NHS Digital formally known as Health and Social Care Information Centre (HSCIC) • Local Authorities • Education Services • Fire and Rescue Services • Police & Judicial Services • Other ‘data processors’ which you will be informed of

2. Other important information about how your information is used for Medical research and to measure the quality of care

a. Medical research

Topcliffe Surgery shares information from medical records:

- To support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best;
- We will also use your medical records to carry out research within the practice.

This is important because:

- The use of information from GP medical records is very useful in developing new treatments and medicines;
- Medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object.

b. Checking the quality of care – national clinical audits

Topcliffe Surgery contributes to national clinical audits so that healthcare can be checked and reviewed.

- Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
- The results of the checks or audits can show where hospitals are doing well and where they need to improve.
- The results of the checks or audits are used to recommend improvements to patient care.
- Data are sent to NHS Digital, a national body with legal responsibilities to collect data.
- The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website: <https://www.hqip.org.uk/> or phone 020 7997 7370.
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object.

We are required by law to provide you with the following information about how we share your information for medical research purposes.

Table B	
Purpose of the processing	<ul style="list-style-type: none"> • Medical research and to check the quality of care which is given to patients (this is called national clinical audit).
Lawful basis for processing	<p>The following sections of the GDPR mean that we can use medical records for research and to check the quality of care (national clinical audits)</p> <p>Article 6(1)(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’.</p> <p>For medical research:</p> <p>Article 9(2)(a) – ‘the data subject has given explicit consent...’</p> <p>To check the quality of care (clinical audit):</p> <p>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...’</p>
Recipient or categories of recipients of the processed data	<ul style="list-style-type: none"> • We share information with medical research organisations with your explicit consent or when the law allows. • For national clinical audits which check the quality of care the data will be shared with NHS Digital.

3. Other important information about how your information is shared so that this practice can meet legal requirements

The law requires Topcliffe Surgery to share information from your medical records in certain circumstances. 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.

a. 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>

b. 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/>

c. 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 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>

d. Provision of Care

- Medicine review or condition review: When medication is collected we often remind patients when their reviews are due. We may share this information with your representative for you to make an appointment for this review to take place. No other information will be shared with them.

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

Table C	
Purpose of the processing	Compliance with legal obligations or court order.

Lawful basis for processing	<p>The following sections of the GDPR mean that we can share information when the law tells us to.</p> <p>Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</p> <p>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...’</p>
Recipient or categories of recipients of the processed data	<ul style="list-style-type: none"> • The data will be shared with NHS Digital. • The data will be shared with the Care Quality Commission. • The data will be shared with our local health protection team or Public Health England. • The data will be shared with the court if ordered.

4. 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.
- More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the practice.

We are required by law to provide you with the following information about how we handle your information in relation to our legal obligations to share data.

Table D Purpose of the processing	<ul style="list-style-type: none"> • The NHS provides several national health screening programmes to detect diseases or conditions early such as cervical and breast cancer, aortic aneurysm and diabetes. • The information is shared so that the correct people are invited for screening. This means those who are most at risk can be offered treatment.
Lawful basis for processing	<p>The following sections of the GDPR allow us to contact patients for screening.</p> <p>Article 6(1)(e) – ‘processing is necessary...in the exercise of official authority vested in the controller...’</p> <p>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...’</p>
Recipient or categories of recipients of the processed data	<p>The data will be shared with NHS England approved providers for screening services covering:</p> <p>Breast screening, eye screening, bowel screening and aortic aneurysm screening.</p>

5. Your Rights

<p>Table E</p> <p>1. Rights to object to information sharing for safe care/treatment</p>	<ul style="list-style-type: none"> You have the right to object to information being shared between those who are providing you with direct care. This may affect the care you receive – please speak to the practice. You are not able to object to your name, address and other demographic information being sent to NHS Digital. This is necessary if you wish to be registered to receive NHS care. You are not able to object when information is legitimately shared for safeguarding reasons. In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm. The information will be shared with the local safeguarding service North Yorkshire & York Safeguarding children service (http://www.safeguardingchildren.co.uk/) and North Yorkshire & York Adult safeguarding service (https://www.northyorks.gov.uk/safeguarding-vulnerable-adults)
<p>2. Rights to object and the national data opt-out regarding medical research</p>	<p>You have a right to object under the GDPR and the right to ‘opt-out’ under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of:</p> <ul style="list-style-type: none"> information that identifies you being used or shared for medical research purposes and quality checking or audit purposes. <p>Please contact the practice if you wish to opt-out.</p>
<p>3. Rights to object and the national data opt-out regarding legal requirements to share data</p>	<p>There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.</p> <p>NHS Digital</p> <ul style="list-style-type: none"> You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record. Please note: The ‘Type 1’ objection, however, will no longer be available after 2020. This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012. <p>Public health</p> <ul style="list-style-type: none"> Legally information must be shared under public health legislation. This means that you are unable to object. <p>Care Quality Commission</p> <ul style="list-style-type: none"> Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object. <p>Court order</p>

	<ul style="list-style-type: none"> Your information must be shared if it ordered by a court. This means that you are unable to object.
4. Rights to object regarding national screening programmes	<p>For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme.</p> <p>See: https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</p> <p>Or speak to the receptionist.</p>
Right to access and correct	<ul style="list-style-type: none"> You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff for more information or contact our Data Protection Officer. We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
Retention period	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</p> <p>or speak to the practice.</p>
Right to complain	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113</p>
Data we get from other organisations	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.</p>

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For more information on Cookies used please visit the 'privacy & usage' section on our website:
www.topcliffesurgery.co.uk

Notification: Organisations are required 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. The practice is registered with the Information Commissioners Office (ICO).

	IG Lead	DPC
Electronic Signature	Dr Caspar Wood	Mr Stephen Craven
Date	03/03/2021	03/03/2021