**PRIVACY NOTICE**

**What is a Privacy Notice?**

A privacy notice is a statement that describes how North Harris Medical Practice collects, uses, retains and discloses your personal information. Different Organisations sometimes use different terms and it can be referred to as a privacy statement, a fair processing notice or a privacy policy.

To ensure that we process your personal data fairly and lawfully we are required to inform you:

• Why we need your data

• How it will be used and

• With whom it may be shared.

For the purposes of the Data Protection Act 1998, Western Isles Health Board is the “Data Controller”, registered as such with the Information Commissioner’s Office (notification number

**Z4795438**). [Registered data controller-Western Isles Health Board.]

The Data Protection Act 1998 will be superseded by the General Data Protection Regulation (GDPR) on the 25th of May 2018. The aim of the GDPR is to standardise Data Protection Regulations across Europe. These new rules are similar to the Data Protection Act but further strengthen rights and empower individuals by giving you more control over your personal data, bringing a new age of compliance and accountability

**How your information is used, and your rights explained:**

This Privacy Notice is aimed at evidencing that North Harris Medical Practice has all the relevant processes and procedures in place to deal with those wishing to exercise their rights, and to assure patients, that information held by the practice, in all formats, is processed and shared, where appropriate, fairly, lawfully and securely. General Data Protection Regulation (GDPR) states those who record and process personal information must be open about how the information is used, and must ensure personal data are:

1. Processed lawfully, fairly and in a transparent manner

2. Collected for specific, lawful and legitimate purposes

3. Adequate, relevant and limited to what is necessary for the purpose

4. Accurate and up to date

5. Kept for no longer than necessary

6. Protected and processed securely.

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, NHS Health Board, 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 to ensure that your information is kept confidential and secure.

***How is your personal information collected by the Practice***

*Most of the information that the practice holds for you will be collected at the point of registration with the practice, and subsequently when we receive your medical record from your previous registered practice. Whilst you remain registered with the North Harris Medical Practice, we may gather and hold further information – see below for the type of information potentially gathered and held.*

**Records which North Harris Medical Practice hold about you may include the** **following information;**

• Details about you, such as your address, landline and/or mobile telephone numbers, email address,

 carer information, legal representative, emergency contact, Next of Kin details

 • Any contact the practice has had with you, such as letters, appointments, home visits, 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. This may

 include contacts from Community Teams (eg District Nurses, Health Visitors), hospital clinic visits,

 A & E attendances, Out of Hours Contacts, attendance at specialised clinics, voluntary/third sector

 organisation information etc.

**Why we need your data and how it will be used**

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 GP services. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided

Some of this information may 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 – the practice will always gain your consent before releasing the information for this

**Healthcare Planning and Risk Stratification**

Future Healthcare Planning and 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 admission or re-admission and identifying a need for preventive interventions. 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 de-identified information using software managed *by NHS Western Isles Public Health Department*, 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 at any time.

**Medicines Management**

The Practice conducts 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 is carried out by practice clinicians and/or an NHS Western Isles Pharmacist who is attached to the practice.

**What laws are relevant to the handling of personal information?**

The Scottish, UK and European law determines how organisations can use personal information. The key legislations and guidance governing the use of information are listed below:

 European Data Protection Regulation

 Formerly The Data Protection Act 1998

 The Human Rights Act 1998

 Freedom of Information (Scotland) Act 2002

 Computer Misuse Act 1998

 Access to Health Records Act 1990

 Common law Duty of Confidentiality

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**Consent, Data Processing and Data Sharing:**

* For most purposes, we will only process your information with your consent. If consent is given, all patients have the right to withdraw their consent at any time.
* There will be occasions when information will be shared without consent, particularly to protect vulnerable adults and children, to prevent serious crime or to protect public health.
* Where consent is required and the subject lacks the capacity to consent, a legal representative, power of attorney, parent/guardian may consent on their behalf. Your clinician/care provider will discuss with you the reasons for this.
* There are specific and clearly defined circumstances where we are required by law to share information which can identify you.

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?**

We may also have to share your information, subject to strict data sharing agreements on how it will be used, with the following organisations;

• NHS Health Boards/Trusts/Foundation Trusts

• GP’s

• Independent Contractors such as dentists, opticians, pharmacists

• Private Sector Health & Social Care Providers

• Voluntary Sector Providers

• Ambulance Trusts

• Social Care Services

• Integrated Health and Social Care Providers

• Local Authorities

• Education Services

• Fire and Rescue Services

• Police & Judicial Services

• Other ‘data processors’ which you will be informed of prior to any agreements commencing

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.

**Access to personal information**

You have a right under the Data Protection Act 1998 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 should be made to the Practice Manager or Office Manager and can be made orally, in writing, or electronically, eg email. In order to locate your records we will ask you to complete a form that clearly identifies you and allows you to specify what you would like a copy of.
* You may also be asked for a form of photographic ID to confirm your identity.
* Your right is to the data relating to you and you only, and not necessarily the record itself which can, where appropriate, be redacted if third parties are named.
* You can authorise someone else to make the application on your behalf and if you have parental responsibilities you may make an application to see your child’s notes.
* There is no charge for a printed copy of the information held about you. However, if the request is subsequent/repetitive for copies of the same information, the practice may need to charge an administrative fee. This may vary from request to request and will be based on the volume of administrative work required to copy the record for you.
* Requests for access to medical records should be completed within one month of receipt of request. This can be extended by up to an additional 60 days, if the request is deemed complex, requires additional clarification or multiple requests have been made. North Harris Medical Practice will provide a clear explanation as to why this deadline might be extended in the event of a complex query.
* Maintaining the confidentiality and security of personal information is of utmost importance to North Harris Medical Practice. No copies of information will be sent using external mail unless this has been arranged in advance with the Practice Manager and in these circumstances Recorded Delivery will be used.
* Requests for information held by other health care providers should be made direct to the individual provider – eg Hospitals, Dentists, Opticians etc

**Data Confidentiality and Data Security**

 North Harris Medical Practice is committed to taking all reasonable measures to ensure the confidentiality and security of sensitive personal data for which we are responsible, whether computerised or on paper.

 All patients or service users have the right to be informed if they have been involved in a personal data breach.

 *All staff are required to undertake annual information governance training and to be familiar with information governance policies and procedures.*

 Everyone working for the practice is subject to the NHS Code of Confidentiality.

Information provided in confidence will only be used for the purposes advised and consented to by the service user, unless required or permitted by the law.

**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.**

**What if I believe data held about me is incorrect or inaccurate?**

If at any time you feel information held by North Harris Medical Practice relating to you is incorrect, please notify us and it will be investigated. Rectification requests on non factual information, or opinions, are unlikely to be successful but will be assessed on a case by case basis.

You may exercise your right to object to data being processed if you believe data about you is being collected, processed or shared unlawfully, and whilst this is investigated, it may be restricted until a decision is made. On investigation, it is the responsibility of North Harris Medical Practice to justify why we are continuing to process the data or if the objection will be upheld.

You have the right to withdraw your consent to data processing and usage at any time.

You also have the right to object to direct marketing at any time and ask for it to stop. North Harris Medical Practice does not sell goods or services and your information will never be passed on to a third part without your explicit consent.

**How can I remove my information from your records/systems?**

The General Data Protection Regulation gives you the right to request the erasure of data. In a health care setting, it would be uncommon for such a request to be approved as the risks associated with removal or deletion of health information could seriously harm or endanger a patient/staff member. Patients’ records also become legal documents in some cases, and North Harris Medical Practice would have a legal obligation under employment contracts and various legislations to retain all documentation.

**How long is my health information kept?**

North Harris Medical Practice applies to its records the retention schedules contained in Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012 or subsequent guidance issued. The table below lists a subset of the retention periods defined by Scottish Government, and adhered to by NHS Western Isles.

|  |  |
| --- | --- |
| **Record Type** | **Record Retention Period** |
| GP Medical Record  | For the patient’s lifetime and 3 years after the patient’s death |

The full Scottish Government retention schedule for all types of information held (Board, Administrative, Financial, Medical, etc) can be found here: <http://www.gov.scot/Publications/2012/01/10143104/7>

**What do I do if I think North Harris Medical Practice Isles holds inaccurate information about me?**

You have a right to request that any perceived inaccuracies in your medical record are rectified, and this should be done without delay. The same applies if you think information held about you is incomplete. Notify a member of staff at North Harris Medical Practice, and they will investigate your query. They would need to justify to you why they have not made the requested changes, if applicable. This is something you can appeal.

If you are happy for your data to be processed and extracted as described in this privacy notice then you do not need to do anything.

**Objections/Complaints**

Should you have any concerns about how your information is managed by the Practice please contact the Practice Manager at the following address:

North Harris Medical Practice

Tarbert

Isle of Harris

Western Isles

HS3 3BS

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**, casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745