**HARBOURSIDE FAMILY PRACTICE - FAIR PROCESSING & PRIVACY NOTICE**

How Harbourside Family Practice uses your information to provide you with healthcare

This practice keeps medical records confidential and complies with the General Data Protection Regulation. We hold your medical record so that we can provide you with safe care and treatment. We will also use your information so that this practice can check and review the quality of the care that we provide. This helps us to improve our services to you.

* This practice keeps data relating to who you are, where you live and what you do; your family, possibly your friends and your employers; your habits, your problems and diagnoses, and the reasons you seek help; your appointments, where you are seen and when you are seen and who by; referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and outside the NHS; as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.
* 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. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case. Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.
* 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. The Summary Care Record is an English NHS development. It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in England. The basic data is automatically extracted from your GP’s electronic record system and uploaded to the central system. GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient. Summary Care Records can only be viewed within the NHS on NHS smartcard controlled screens or by organisation, such as pharmacies, contracted to the NHS. For more information see: <https://digital.nhs.uk/summary-care-records>.
* You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object. You also have the right to have any mistakes or errors corrected.
* Third party processors - In order to deliver the best possible service, the practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. In addition the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then 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 our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties includes:
* Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
* Delivery services (for example if we were to arrange for delivery of any medicines to you).
* Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

Further details regarding specific third party processors can be supplied on request.

**Other important information about how your information is used to provide you with healthcare**

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| **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 |

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| **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. |

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| **Safeguarding**   * Some members of society are recognised as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm we are expected as professionals to do what we can to protect them. In addition we are bound by certain specific laws that exist to protect individuals. This is called “Safeguarding”. * Where there is a suspected or actual safeguarding issue we will share information that we hold with other relevant agencies whether or not the individual or their representative agrees. * There are three laws that allow us to do this without relying on the individual or their representatives agreement (unconsented processing), these are: * Section 47 of The Children Act 1989 : (<https://www.legislation.gov.uk/ukpga/1989/41/section/47>), * Section 29 of Data Protection Act (prevention of crime) <https://www.legislation.gov.uk/ukpga/1998/29/section/29> * and * section 45 of the Care Act 2014 <http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>. * In addition there are circumstances when we will seek the agreement (consented processing) of the individual or their representative to share information with local child protection services, the relevant law being; section 17 Childrens Act 1989 <https://www.legislation.gov.uk/ukpga/1989/41/section/17> |

We are required by law to provide you with the following information about how we handle your information.

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| **Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| **Purpose** of the processing | * 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). |
| **Lawful basis** for processing | These purposes are supported under the following sections of the GDPR:  *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*  *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...”*  *9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’*  Healthcare staff will also respect and comply with their obligations under the common law duty of confidence. |
| **Recipient or categories of recipients** of the processed data | The data will be shared with:   * 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. |
| **Rights to object** | * 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. For more information see <http://www.northsomersetsafeguarding.co.uk/> |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – http://www.harboursidefmp.nhs.uk/ * 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** | 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>  or speak to the practice. |
| **Right to complain** | 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** |
| **Data we get from other organisations** | 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. |

**How your information is used for medical research and to measure the quality of care**

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| **Medical research**  Harbourside Family Practice 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.   We share information with the following medical research organisations with your explicit consent or when the law allows: Clinical Practice Research Network and National Institute for Health Research  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 |

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| **Checking the quality of care - national clinical audits**  Harbourside Family Practice 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.

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| **Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| **Purpose** of the processing | Medical research and to check the quality of care which is given to patients (this is called national clinical audit). |
| **Lawful basis** for processing | 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)  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’.  Article 9(2)(a) – ‘the data subject has given explicit consent…’  To check the quality of care (clinical audit):  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...’ |
| **Recipient or categories of recipients** of the processed data | For medical research the data will be shared with Clinical Practice Research Network and National Institute for Health Research.  For national clinical audits which check the quality of care the data will be shared with NHS Digital. |
| **Rights to object and the national data opt-out** | Harbourside Family Practice is one of many organisations working in the health and care system to improve care for patients and the public. 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  • 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. You have a choice about whether you want your confidential patient information to be used in this way.  The national data opt-out model provides an easy way for you to opt-out of information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.  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://understandingpatientdata.org.uk/what-you-need-know>  You can change your mind about your choice at any time.  Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Harbourside Family Practice is currently compliant with the national data opt-out policy. |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – http://www.harboursidefmp.nhs.uk/ * 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** | 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>  or speak to the practice. |
| **Right to complain** | 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** |

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| **How your information is shared so that this practice can meet legal requirements**  The law requires Harbourside Family Practice 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. |

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| **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. Examples include; A/E and outpatient waiting times, the numbers of staff in the NHS, percentage target achievements, payments to GPs etc and more specific targeted data collections and reports such as the Female Genital Mutilation, general practice appointments data and English National Diabetes Audits. * GPs are required by the Health and Social Care Act to provide NHS Digital with information when instructed. This is a legal obligation which overrides any patient wishes. These instructions are called ‘Directions’. More information on the directions placed on GPs can be found at <https://digital.nhs.uk/article/8059/NHS-England-Directions-> and [www.nhsdatasharing.info](http://www.nhsdatasharing.info) * 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: <https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital> |

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| **Care Quality Commission (CQC)**   * The CQC regulates health and social care services to ensure that safe care is provided. * They inspect and produce reports on all English general practices in a rolling 5 year program. The law allows CQC to access identifiable patient data as well as requiring this practice to share certain types of data with them in certain circumstances. * 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/> |

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| **Public Health**   * Public Health encompasses everything from national smoking and alcohol policies; the management of epidemics such as flu; the control of large scale infections such as TB and Hepatitis B; to local outbreaks of food poisoning or Measles. * 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> |

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.

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| **Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| **Purpose** of the processing | Compliance with legal obligations or court order. |
| **Lawful basis** for processing | The following sections of the GDPR mean that we can share information when the law tells us to.  Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject…’  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...’  Article 9(2)(i) “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,..” |
| **Recipient or categories of recipients** of the processed data | * 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. |
| **Rights to object and the national data opt-out** | 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.  NHS Digital   * You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. * The national data opt-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons. To opt-out or to find out more about your opt-out choices please go to NHS Digital’s website [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters).   NHS Digital sharing with the Home Office   * There is no right of objection to NHS Digital sharing names and addresses of patients who are suspected of having committed an immigration offence.   Public health   * Legally information must be shared under public health legislation. This means that you are unable to object.   Care Quality Commission   * Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.   Court order   * Your information must be shared if it ordered by a court. This means that you are unable to object. |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – http://www.harboursidefmp.nhs.uk/ * 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** | 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>  or speak to the practice. |
| **Right to complain** | 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** |

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| **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> . |

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.

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| **Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| **Purpose** of the processing | * 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 | The following sections of the GDPR allow us to contact patients for screening.  Article 6(1)(e) – ‘processing is necessary…in the exercise of official authority vested in the controller...’’  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...’ |
| **Recipient or categories of recipients** of the processed data | The data will be shared with all National Screening Programmes. |
| **Rights to object** | For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme.  See: <https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes> |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – http://www.harboursidefmp.nhs.uk/ * 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** | GP medical records will be kept in line with the law and national guidance. Information on how long records can be kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016> or speak to the practice. |
| **Right to complain** | 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 |
| **Data we get from other organisations** | 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. |

**Payments**

Contract holding GPs in the UK receive payments from their respective governments on a tiered basis. Most of the income is derived from baseline capitation payments made according to the number of patients registered with the practice on quarterly payment days.

The amount paid per patient per quarter varies according to the age, sex and other demographic details for each patient. There are also graduated payments made according to the practice’s achievement of certain agreed national quality targets known as the Quality and Outcomes Framework (QoF), for instance the proportion of diabetic patients who have had an annual review.

Practices can also receive payments for participating in agreed National or Local Enhanced Services, for instance opening early in the morning or late at night or at the weekends. Practices can also receive payments for certain national initiatives such as immunisation programs and practices may also receive income relating to a variety of non-patient related elements such as premises.

Finally there are short term initiatives and projects that practices can take part in. Practices or GPs may also receive income for participating in the education of medical students, junior doctors and GPs themselves as well as research2.

In order to make patient based payments basic and relevant, necessary data about you needs to be sent to the various payment services. The release of this data is required by English laws1.

1. NHS England’s powers to commission health services under the NHS Act 2006 or to delegate such powers to CCGs and the GMS regulations 2004 (73)1

2. For more information about payments for English GPs please see; <https://digital.nhs.uk/NHAIS/gp-payments>, <https://digital.nhs.uk/catalogue/PUB30089> and <http://www.nhshistory.net/gppay.pdf>

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.

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| 1**) Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **2) Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| 3) **Purpose** of the processing | To enable GPs to receive payments. To provide accountability. |
| 4) **Lawful basis** for processing | The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:  *Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”*  And  *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****...”* |
| 5) **Recipient or categories of recipients** of the processed data | The data will be shared with Government contracted payment services. |
| 6) **Rights to object** | You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance |
| 7) **Right to access and correct** | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website) |

**Direct Care - Emergencies**

* There are occasions when intervention is necessary in order to save or protect a patients life or to prevent them from serious immediate harm; for instance during a collapse or diabetic coma, or serious injury, or accident. In many of these circumstances the patient may be unconscious or too ill to communicate. In these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other emergency healthcare services, the police or fire brigade, so that you can receive the best treatment.
* The law acknowledges this and provides supporting legal justifications.
* Individuals have the right to make pre-determined decisions about the type and extend of care they will receive should they fall ill in the future, these are known as ‘Advance Directives’. If lodged in your records these will normally be honoured despite the observations in the first paragraph.

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.

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| 1**) Data Controller** contact details | Harbourside Family Practice, 2 Haven View, Portishead, BS20 7QA  01275 868500 |
| **2) Data Protection Officer** contact details | Steve Lobb | GP Data Protection Officer (BNSSG) & Information Governance Manager | Governance Services (To contact Steve, please get in touch with the practice manager of Harbourside Family Practice) |
| 3) **Purpose** of the processing | Doctors have a professional responsibility to share data in emergencies to protect their patients or other persons. Often in emergency situations the patient is unable to provide consent. |
| 4) **Lawful basis** for processing | This is a Direct Care purpose. There is a specific legal justification;  *Article 6(1)(d) “processing is necessary to protect the vital interests of the data subject or of another natural person”*  And  *Article 9(2)(c) “processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent”*  Or alternatively  *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...”*  We will also recognise your rights established under UK case law collectively known as the ‘Common Law Duty of Confidentiality’\* |
| 5) **Recipient or categories of recipients** of the shared data | The data will be shared with Healthcare professionals and other workers in emergency and out of hours services and at local hospitals, diagnostic and treatment centres. |
| 6) **Rights to object** | You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller or the practice.  You also have the right to have an ‘Advance Directive’ placed in your records and brought to the attention of relevant healthcare workers or staff. |
| 7) **Right to access and correct** | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a Court of Law. If we share or process your data in an emergency when you have not been able to consent, we will notify you at the earliest opportunity. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website) |

\* ‘Common Law Duty of Confidentiality’, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

* where the individual to whom the information relates has consented;
* where disclosure is in the public interest; and
* where there is a legal duty to do so, for example a court order

**Comissioning, Planning, risk stratification, patient identification**

* The records we keep enable us to plan for your care.
* This practice keeps data that we apply searches and algorithms to in order to identify preventive interventions.
* This means using only the data we hold or in certain circumstances linking that data to data held elsewhere by other organisations, and usually processed by organisations within, or bound by contracts with, the NHS.
* If any processing of this data occurs outside the practice your identity will not be visible to the processors. Only this practice will be able to identify you and the results of any calculated factors, such as your risk of having a heart attack in the next 10 years or your risk of being admitted to hospital with a complication of chest disease
* You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk. It is not lawful for this processing to be used for other ill defined purposes, such as ‘health analytics’.
* Despite this we have an overriding responsibility to do what is in your best interests. For example, if we identify you as being at significant risk of having a heart attack or stroke, we are justified in performing that processing.

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.

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| 3) **Purpose** of the processing | The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses i.e. Diabetes, heart disease, risk of falling. Your records may be amongst those searched. This is often called ‘risk stratification’ or ‘case finding’. These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care to you. |
| 4) **Lawful basis** for processing | The legal basis for this processing is  *Article 6(1)(e); “necessary… in the exercise of official authority vested in the controller’*  And  *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...”*  We will recognise your rights under UK Law collectively known as the ‘Common Law Duty of Confidentiality’\* |
| 5) **Recipient or categories of recipients** of the shared data | The data will be shared for processing with NHS England, the local Clinical Commissioning Group, Hospitals, NHS Digital, Public Health England, and other Government direct or contracted organisations, and for subsequent healthcare with Health and Care professionals and support staff in this surgery and at hospitals and diagnostic and treatment centres who contribute to your personal care. |
| 6) **Rights to object** | You have the right to object to this processing where it might result in a decision being made about you. That right may be based either on implied consent under the Common Law of Confidentiality, Article 22 of GDPR or as a condition of a Section 251 approval under the HSCA. It can apply to some or all of the information being shared with the recipients. Your right to object is in relation to your personal circumstances. Contact the Data Controller or the practice. | |
| 7) **Right to access and correct** | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a Court of Law. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016  or speak to the practice. |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website) |

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