

Midway Surgery Privacy Notice

The Midway Surgery understands how important it is to keep your personal information safe and secure. All our team take our commitment to this very seriously in order to ensure that your personal information is looked after in the best possible way and that our responsibilities under the General Data Protection Regulations are met.

This Privacy Notice contains important information about how we use and protect personal and healthcare information.

1. WHY WE ARE PROVIDING THIS PRIVACY NOTICE

We are required to provide you with this Privacy Notice by law. It explains how we use the personal and healthcare information we collect, store and hold about you. If you are unclear about how we process or use your personal and healthcare information, or you have any questions about this Privacy Notice or any other issue regarding your personal and healthcare information, then please do contact our **Data Protection Officer** (details below).

The Law says:

- A. We must let you know why we collect personal and healthcare information about you;
- B. We must let you know how we use any personal and/or healthcare information we hold on you;
- C. We need to inform you in respect of what we do with it;
- D. We need to tell you about who we share it with or pass it on to and why; and
- E. We need to let you know how long we can keep it for.

2. CALDICOTT GUARDIAN AND INFORMATION GOVERNOR

The Caldicott Guardian is **Dr Varuna Ajaru** who is the lead GP Partner for information governance and protection.

The Information Governor is **Jenny Simmons**, Practice Manager, who is responsible for the implementation of Practice policies.

Please contact Jenny Simmons if:

- you have any questions about how your information is being held;
- you require access to your information or if you wish to make a change to your information;
- you wish to question or make a complaint about anything to do with the personal and healthcare information we hold about you;
- you have any other query relating to the Policy and your rights as a patient.

She can be contacted on jenny.simmons@nhs.net.

3. THE DATA PROTECTION OFFICER

The independent Data Protection Officer is **Mr Barry Moul**t at Herts Valleys Clinical Commissioning Group. Please contact him if:

- You have a complaint that you feel cannot be resolved directly with the Practice.
- You would like further information and clarification about the law and/or your rights as a patient.

He can be contacted on barry.moult1@nhs.net.

4. ABOUT US

We, at Midway Surgery ('the Surgery') are a **Data Controller** of your information. This means we are responsible for collecting, storing and handling your personal and healthcare information when you register with us as a patient. All members of our team are committed to confidentiality and are required to undertake training, and read and sign a Practice Confidentiality Agreement.

There may be times where we also process your information. That means we use it for a particular purpose and, therefore, on those occasions we may also be **Data Processors**. The purposes for which we use your information are set out in this Privacy Notice.

5. INFORMATION WE COLLECT FROM YOU

The information we collect from you will include:

- A. Your personal details including your contact details (such as your name, date of birth, telephone number and email address;
- B. When appropriate, details and contact numbers of your carers and/or family and next of kin;
- C. Your personal demographics such as age, gender, ethnicity;
- D. Details in relation to your medical history;
- E. The reason for your visit to the Surgery;
- F. Medical notes and details of diagnosis and consultations with our GPs and other health and social care professionals within the Surgery involved in your direct healthcare.

6. INFORMATION ABOUT YOU FROM OTHERS

We also hold personal information about you when it is sent to us from other partner organisations involved with your wellbeing. This may include (list is not exhaustive):

- NHS Hospital and Foundation Trusts;
- Other GPs and primary care providers, e.g. out of hours services;
- Independent contractors such as dentists, opticians and pharmacists;
- Private and voluntary sector providers
- Ambulance Trusts;
- Social Care Services and other local authority services;
- Education services;
- Police and Judicial Services;
- Fire and Rescue Services;
- Government Departments such as Benefits Agency and Department of Work and Pension

7. YOUR NHS SUMMARY CARE RECORD (SCR)

Your Summary Care Record is an electronic record of your healthcare history (and other relevant personal information) held on the national healthcare records database provided and facilitated by NHS England. It can only be seen and used by authorised NHS staff who are required to ask for your consent (unless there are extreme circumstances in emergencies). This means your care across the wider NHS is safer and your treatment and prescribing is appropriate with the information available. Unless a patient has expressly dissented from an SCR, as a minimum it will include :

- Name, address, date of birth, NHS number and contact details of a patient
- Current medication
- Allergies and adverse reactions

You may also want further information of your medical history to be available to other NHS professionals involved with your care and, if so, please write to Midway Surgery to give consent to make this available. If a patient has a higher risk of unplanned urgent care needed by hospitals, emergency services and out of hours services, it is highly recommended that consent is given to access this additional information in order to support treatment and healthcare.

You have the right to demand that your SCR is not made available to other NHS professionals. Please advise in writing to confirm that you dissent to making your NHS Summary Care Record available.

Further information about your health records can be found on www.nhs.uk.

8. WHO WE MAY PROVIDE YOUR PERSONAL INFORMATION TO, AND WHY

In the course of your health treatment and care, it is sometimes necessary to share your information with other professionals. Only information required to assist them in the direct provision of your healthcare will be shared. Examples include:

- Referrals for further care as agreed with yourself and which form part of your healthcare management;
- Organising appropriate medication with your pharmacist;
- Sharing information when there has been a hospital admission or contact with an emergency service;
- When other professionals need additional information to support their care to you such as Community Nurses, mental health workers and therapists.

Your consent is required to disclose any of your medical information when it is not in the normal course of your agreed care and treatment. The rare exception to this is when we must legally disclose information as required by professional regulations. When you are giving consent to a third party for your information to be shared with them, it is important that you are clear and understand how much and what aspects of your record you are giving access to. We may need to contact you to verify your consent before we release your record. Examples of requests that the Surgery receives which require patient express consent prior to sharing include insurance companies, legal advisers, schools, employers and leisure services.

We are sometimes legally obliged to disclose information and, in these circumstances, the minimum identifiable information that is essential for the purpose will be given. In these circumstances, the requesting organisation will also have a legal and professional duty of confidentiality. These organisations include:

- Care Quality Commission
- DVLA
- NHS Fraud
- The Courts
- Local Authorities particularly where there is a high risk of safeguarding issues
- Health Service Ombudsman

9. MY CARE RECORD

Where NHS professionals are directly involved in your care locally, you may be asked to give consent for them to view 'My Care Record' which gives direct access to your medical record at the Surgery (you may be asked when booking the appointment or at the appointment). Further information is available on www.mycarerecord.org.uk. Access is limited to local NHS organisations in order that they can make the best decisions about your diagnosis and treatment, and any personnel must have authorised NHS smartcards. Services who may ask for your consent include:

- A. **Herts GP Out of Hours Service** – for medical advice and attention when the Surgery is closed.
- B. **Herts Emergency and Urgent Care Services**
- C. **St Albans and Harpenden GP Extended Access** – we provide extended access services to our patients which means you can access medical services outside of our normal working hours. In order to provide you with this service, we have formal arrangements in place with the Clinical Commissioning Group and with other Practices whereby certain key “**hub**” practices offer this service on our behalf for you as a patient to access outside of our opening hours. This means that the clinician you are seeing is able to access your medical record to be able to offer safe and appropriate treatment and care. Your record can only be accessed by the clinician with whom you are booked with – it is not possible for your record to otherwise be accessed by hub Practices. Please note to ensure that those practices comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.

The key hub Practices offering Extended Access services in St Albans and Harpenden are:

- Colney Medical Centre
- Davenport House
- Elms Surgery
- Grange Street Surgery
- Harvey House Surgery
- Hatfield Road Surgery
- Lattimore Surgery
- Lodge and Highfield Surgeries
- Maltings Surgery
- Midway Surgery
- Parkbury House Surgery
- Redbourn Health Centre
- The Village Surgery

10. ANONYMISED INFORMATION

We may provide medical information for research, planning and clinical governance purposes in an anonymised form. If we do so, then none of the information we provide to any other party will identify you as an individual and cannot be traced back to you. Midway Surgery does not use or support the use of this for commercial purposes. For example, statistics about chronic diseases such as diabetes are extracted for national planning and resource allocation purposes, and anonymised data is used for Practice reporting to the Clinical Commissioning Group.

10. OPT-OUT

You have the right to opt-out of sharing electronic information and it is important that you understand the implications of this when you are being looked after by other NHS professionals. This will restrict your medical record at the Surgery and will not be available to other clinicians involved in your care outside the Surgery, even if you do give your consent to them at the time.

If you wish to opt-out, please put in writing your request confirming which data-sharing agreement you want to dissent from.

- a. Summary Care Record: national summary of your record including medication and allergies.
- b. My Care Record: local NHS services you have booked or contacted directly.
- c. Anonymised Information: data used for secondary purposes such as planning, reporting and screening.

11. YOUR RIGHTS AS A PATIENT

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

A. Access and Subject Access Requests

You have the right to see what information we hold about you and to request a copy of this information. If you would like a copy of the information we hold about you please contact the Surgery. We will provide this information free of charge. However, we may in some **limited and exceptional** circumstances have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive.

We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.

B. Online Access

Please ask us if you wish to have online access to your medical record. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

C. Correction and Updates

We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell reception if your contact details including your mobile phone number has changed.

D. Removal

You have the right to ask for your information to be removed. However, medical records form a legal record and it is not possible to delete something that is factual and reflects an accurate record at the time of making it. If you have any concerns or wish to discuss, please contact the Data Protection Officer.

E. Objection

We cannot share your information with anyone else for a purpose that is not directly related to your health e.g. medical research, educational purposes, etc. We would ask you for your consent in order to do this however, you have the right to request that your personal and healthcare information is not shared by the Surgery in this way. Please note the Anonymised Information section in this Privacy Notice.

F. Transfer

You have the right to request that your personal and/or healthcare information is transferred, in an electronic form (or other form), to another organisation, but we will require your clear consent to be able to do this.

G. Consent for Carers, Family and Third Parties

It is not possible to disclose a patient's medical record and healthcare without the knowledge and/or consent of the patient. However, you may want someone else to be able to discuss your healthcare and/or have access to your medical record. Please put this request in writing or discuss further with your Doctor so that details can be added to your record.

12. THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD

Sometimes we record information about third parties mentioned during consultations. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself. Third parties can include: spouses, partners, and other family members.

13. HOW WE USE THE INFORMATION ABOUT YOU

We use your personal and healthcare information in the following ways:

A. when we need to speak to, or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or on going healthcare;

B. when we are required by Law to hand over your information to any other organisation, such as the police, by court order, solicitors, or immigration enforcement.

We will never pass on your personal information to anyone else who does not need it, or has no right to it, unless you give us clear consent to do so.

14. LEGAL JUSTIFICATION FOR COLLECTING AND USING YOUR INFORMATION

The Law says we need a **legal basis** to handle your personal and healthcare information.

CONTRACT: We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

CONSENT: Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

NECESSARY CARE: Providing you with the appropriate healthcare, where necessary. The Law refers to this as 'protecting your vital interests' where you may be in a position not to be able to consent.

LAW: Sometimes the Law obliges us to provide your information to an organisation (see above).

15. SPECIAL CATEGORIES

The Law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

PUBLIC INTEREST: Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment;

CONSENT: When you have given us consent;

VITAL INTEREST: If you are incapable of giving consent, and we have to use your information to protect your vital interests (e.g. if you have had an accident and you need emergency treatment);

DEFENDING A CLAIM: If we need your information to defend a legal claim against us by you, or by another party;

PROVIDING YOU WITH MEDICAL CARE: Where we need your information to provide you with medical and healthcare services

16. HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We carefully consider any personal information that we store about you, and we will not keep your information for longer than is necessary for the purposes as set out in this Privacy Notice.

17. SECURITY, SAFETY AND MONITORING

Midway Surgery operates CCTV on its premises for security and safety purposes. Telephone calls may be recorded for training and audit purposes.

18. IF ENGLISH IS NOT YOUR FIRST LANGUAGE

If English is not your first language you can request a translation of this Privacy Notice. Please contact our Data Protection Officer.

19. COMPLAINTS

If you have a concern about the way we handle your personal data or you have a complaint about what we are doing, or how we have used or handled your personal and/or healthcare information, then please contact our Data Protection Officer.

However, you have a right to raise any concern or complaint with the UK information regulator, at the Information Commissioner's Office: <https://ico.org.uk/>.

21. OUR WEBSITE

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

22. COOKIES

The Surgery's website uses cookies. For more information on which cookies we use and how we use them, please see our Cookies Policy.

23. SECURITY

We take the security of your information very seriously and we do everything we can to ensure that your information is always protected and secure. We regularly update our processes and systems and we also ensure that our staff are properly trained. We also carry out assessments and audits of the information that we hold about you and make sure that if we provide any other services, we carry out proper assessments and security reviews.

24. TEXT MESSAGING AND CONTACTING YOU

Because we are obliged to protect any confidential information we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details. We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up to date details. This is to ensure we are sure we are actually contacting you and not another person.

25. WHERE TO FIND OUR PRIVACY NOTICE

You may find a copy of this Privacy Notice in the Surgery's reception, on our website, or a copy may be provided on request.

26. CHANGES TO OUR PRIVACY NOTICE

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on 12TH June 2018.