

Goodheart Surgery

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Patient Information Policy

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Transparency and Privacy

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR). Now the UK also has the UK GDPR,

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

The following information reminds you of your rights in respect of the above legislation and how your GP Practice uses your information for lawful purposes to deliver your care and the effective management of the local NHS system.

This information sheet reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you.

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to the your care.

We will collect the following types of information from you or about you from a third party (such as a hospital) engaged in the delivery of your care:

- ‘Personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin and NHS Number.

And

- ‘Special category / sensitive data’ such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental

health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Why do we collect this information?

The practice keeps information about you to allow us to provide appropriate and high quality treatment and care to our patients. The majority of patient information is held on computer with older paper records kept in archive files.

Clinical information is kept so that our healthcare professionals have a continuous record of your health, the problems you have experienced and the treatments and procedures you have had. By doing this, we can provide the best possible care to you.

The patient will be provided with a unique patient NHS number. This identifier is used wherever possible (for example in any reports sent to NHS England) so that personal information such as names are kept confidential.

Our Commitment to You

- The practice will look after your personal information.
- Allow you to decide whether your information is shared, wherever possible.
- You have the right to see information held about you

For more details about your rights, please see the General Data Protection Regulations 2018 or log on to www.ico.gov.uk or <https://www.nhs.uk/using-the-nhs/about-the-nhs/sharing-your-health-records/>

Information may be shared not only for your personal health and treatment but also for your health and wellbeing as dealt with by other organisations. Examples include district nurses, hospitals, cancer care nurses etc. Information may also be used for clinical audit and research to review standards and to improve patient care. Information which may be published is anonymised so that patients cannot be identified.

The practice is legally bound to pass information to the police in the interests of preventing and detecting crime, including child protection and other safeguarding issues.

Information is sometimes requested from third parties, for example national NHS surveys, local disease registers, solicitors, etc. However, (other than Police, safeguarding team, other governing bodies) no information is given to third parties if patient identifiers (such as name, date of birth, address etc.) are needed without the prior consent of the patient – you!

Your information is also used to help manage the NHS. It is passed in an anonymised format for national and local information returns, quality of information and care and diagnosis and treatment information. An example of this would be data returns for influenza vaccination uptake.

Information can also be used in an anonymised format for public health planning to identify where and what illnesses the public are suffering from. An example of this would be data returns for cases of Tuberculosis, Avian influenza or new cancer cases etc.

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training.

To do this we need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research;
- Manage the health and social care system and services.

How is the information collected?

Your information is collected from a range of sources including you, the hospitals and other health service providers you visit and other organisations. The information we receive is recorded electronically in your medical record, or kept in hard copy if necessary (for an insurance report etc.) Patients also have a historical hard copy medical record known as an 'archive medical record' which is safely kept by the Practice. Nearly all information about you is now loaded onto your electronic medical record however, and the archive record is kept as a back-up. All correspondence we receive about you in hard copy is scanned onto your electronic record so that they are available to be viewed when necessary. This helps ensure that your medical record is always up to date, and also protects your medical records from issues such as fire or flooding. Your electronic medical record is 'backed up' regularly by our clinical system provider to ensure it is safe. Your information is retained within your GP's electronic patient record or within your archive medical records permanently and both types of medical records are transferred to your new GP Practice should you decide to register with a different GP. Please not all scanned correspondence is now shredded.

Who will we share your information with?

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Hull & East Yorkshire Hospitals Trust
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Specific & Voluntary Support Organisations commissioned to provide services by Hull CCG
- Prison Health Services
- Children's Services
- Humber Based Hospices
- Humber Teaching NHS Foundation Trust – providing Community & inpatient Mental Health Services.
- Northern Lincolnshire & Goole NHS Foundation Trust – providing Community & Therapy Services
- Any other organisation integral in providing for your healthcare
- Any other organisation we are required to provide information by Law

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

Consent and Objections

Do I need to give my consent?

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

What will happen if I withhold my consent or raise an objection?

You have the right to write and withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP Practice for further information and to raise your objection.

Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of deterioration in health. By using selected information such as age, gender, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise, Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

Your GP Practice uses computer-based algorithms or calculations to identify their registered patients who are most at risk, with guidance from the local Commissioning Support Unit (CSU) and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Hull CCG in accordance with the current Section 251 Agreement. Neither the CSU nor your local CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP Practice to organise the risk stratification service with appropriate contractual technical and security measures in place. <https://www.england.nhs.uk/ig/risk-stratification/>

Your GP Practice routinely conducts the risk stratification process, this process is conducted electronically. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification.

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Managers to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our Practice clinical system enables your record to be shared with organisations involved in your direct care, such as:

- Other GP practices
- Community services such as district nurses, rehabilitation services and telehealth.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Hospices
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies

Summary Care Records

NHS England has implemented the Summary Care Record which contains key medical information for each patient, including medication you are taking and any bad reactions to medication that you have had in the past, or any other allergic reactions you have disclosed to a medical team member. This summary care record or SCR can then be accessed by authorised staff from any hospital or treatment centre in the country to ensure the care they may give you is safe. In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their medical history may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting. Your record will be automatically setup to be shared with the organisations listed previously; however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting. You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Invoice Validation

If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.

National Data Sets

Your GP 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 care for you, your family and future generations. Confidential patient information about your health 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. 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. 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
- See the situations where the opt-out will not apply

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

<https://www.hra.nhs.uk/information-about-patients/> (which covers health care research); [and https://understandingpatientdata.org.uk/what-you-need-know](https://understandingpatientdata.org.uk/what-you-need-know) (which covers how and why patient information is used, the safeguards and how decisions are made)

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

Our Data Quality

Good quality, accurate records are vital for the safety of our service users and the safe and responsible running of our organisation.

When staff create or update a record they must ensure that the information they enter has the following characteristics: -

- a) It is *authentic* – i.e. the data is what it claims to be.
- b) It is *reliable*. We make sure the record of data is complete and accurate.
- c) It has *integrity*. If we need to change any information, we make sure that it is done clearly, recording who made the change and why.
- d) It is *useable*. We make sure that records are stored appropriately and correctly and that access to them is restricted to authorised staff only.

When we create records, we use standardised structures and layouts for the contents of records and we monitor and audit our records throughout their lifetime to make sure they follow these four characteristics.

Your Data Quality

Our ability to provide high quality care to our patients is dependent on being able to get in touch with you when we need to. Patients have a responsibility to ensure that the contact details we have for you are current and usable. You can update the contact details we have for you by contacting the reception team.

Access To Your Records - Subject Access Requests

Under the Data Protection Act (DPA), the General Data Protection Regulations (GDPR) and (for deceased individuals) the Access to Health Records Act 1990, you have a legal right to apply for access to health information held about you. This includes your NHS records held by a GP.

A health record contains information about your mental and physical health recorded by a healthcare professional as part of your care.

Who can make an Access Request?

An application for access to personal data may be made to the Practice by any of the following:-

- an individual
- a person authorised by the individual in writing to make the application on an individual's behalf e.g. solicitor, family member, carer
- a person having parental responsibility for the individual where he/she is a child.
- a person appointed by a court to manage the affairs of an individual who is deemed incompetent
- individuals who hold a health and welfare Lasting Power of Attorney
- where the individual has died, the personal representative and any person who may have a claim arising out of the individual's death (the executor of the deceased's will; someone who has been appointed as an Administrator of the Estate by the Courts; someone who has the written consent of either of the above to be given access, someone who is in the process of challenging the deceased's will)

The Police may, on occasion, request access to personal data of individuals. Whilst there is an exemption in the Data Protection Act which permits the Practice to disclose information to support the prevention and detection of crime, the Police have no automatic right to access; however they can obtain a Court Order.

Parental responsibility for a child is defined in the Children's Act 1989 as 'all the rights, duties, powers, responsibilities and authority, which by law a parent of a child has in relation to a child and his property'. Although not defined specifically, responsibilities would include safeguarding and promoting a child's health, development and welfare. Included in the parental rights which would fulfil the parental responsibilities above are:

- having the child live with the person with responsibility, or having a say in where the child lives;
- if the child is not living with her/him, having a personal relationship and regular contact with the child;

- Controlling, guiding and directing the child's upbringing.

Foster parents are not ordinarily awarded parental responsibility for a child. It is more likely that this responsibility rests with the child's social worker and appropriate evidence of identity should be sought in the usual way.

The law regards young people aged 16 or 17 to be adults for the purposes of consent to treatment and the right to confidentiality. Therefore, if a 16 year old wishes a medical practitioner to keep their information confidential then that wish must be respected. In some certain cases, children under the age of 16 who have the capacity and understanding to take decisions about their own treatment are also entitled to decide whether personal information may be passed on and generally to have their confidence respected.

Where a child is considered capable of making decisions, e.g. about his/her medical treatment, the consent of the child must be sought before a person with parental responsibility may be given access. Where, in the view of the appropriate professional, the child is not capable of understanding the nature of the application, the holder of the record is entitled to deny access if it is not felt to be in the patient's best interests.

The identity and consent of the applicant must always be established.

The applicant does not have to give a reason for applying for access.

The Practice is a Data Controller and can only provide information held by the organisation. Data controllers in their own right must be applied to directly, the Practice will not transfer requests from one organisation to another.

How you can apply to have access to your records

Individuals wishing to exercise their right of access should:

- Make an application to the Practice holding the records. The patient must complete the subject access request form.
- Requests made on your behalf will also require the patient to complete the subject access request form or your representative.
- Solicitors acting on your behalf, you will be contacted to complete the subject access request form.
- Provide such further information as the Practice may require to sufficiently identify the individual, and the information you require

Forms are available from reception staff or via our website

<http://www.goodheartsurgerybransholme.nhs.uk> to ensure that we have the information required to process your request as quickly as possible. This will be processed within 30 days as per legislation. The request must be complied with without delay and at least within one calendar month of receipt of the request. This period can be extended for a further two months where requests are complex or numerous, however the Practice will inform you within one month of receipt of the request and explain why the extension is necessary.

Fees and Response Time

Under GDPR the Practice musts provide information free of charge. However, we can charge a "reasonable fee" when a request is manifestly unfounded or excessive, particularly if it is repetitive.

Though there is no fee the surgery will provide you with a copy of your records that will be password protected. You will only receive one copy free of charge. If you require duplicate copies the practice has a right to make a charge for this.

Exemptions

Access may be denied or restricted where:

- The record contains information which relates to or identifies a third party that is not a care professional and has not consented to the disclosure
- Access to all or part of the record will seriously harm the physical or mental well-being of the individual or any other person.
- If an assessment identifies that to comply with a SAR would involve disproportionate effort under section 8(2)(a) of the Data Protection Act. <https://www.gov.uk/data-protection>

Complaints and Appeals

You have the right to appeal against the decision of the Practice to refuse access to your information. This appeal should be made to the Practice Manager.

If you remain unhappy with the outcome of your appeal, you can contact the Information Commissioner's Office: [https://www.ico.org.uk/Global/contact us](https://www.ico.org.uk/Global/contact_us).

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.gsi.gov.uk

Access To Your Records – Patient Online

Patients are also able to view aspects of their medical record through the 'Patient Online' system which is a web-based application on the clinical computer system used by your GP Practice.

Sign up to GP online services and you'll be able to use a website or app to:

- book or cancel appointments with a GP or nurse
- order repeat prescriptions
- view parts of your GP record, including information about medication, allergies, vaccinations, previous illnesses and test results

The service is free and available to everyone who is registered with a GP.

If you are not yet registered with a GP or need to register with a different one, see [how to register with a GP practice](#).

How can I start using GP online services?

Follow these steps to access GP online services:

1. Take photo ID (passport or driving licence) and proof of address (such as a utility bill) to your GP practice and tell them you want to start using their online services.

If you do not have any ID then either a member of staff will have to confirm your identity or you may have to answer questions about personal information in your GP record.

2. Fill in the short registration form that you are given by your practice.

3. Once you have signed up, you will receive a letter with your unique username, password and instructions on how to log in. You can then access your medical record at your own convenience.

Practice Website Privacy Information

The Practice Website is provided by N3i

Our privacy notice can be found here:

<https://www.goodheartsurgerybransholme.nhs.uk/privacy-notice>

HTTPS

The Practice Website is https-secured, which means communication between the user's web browser and the server hosting the website are encrypted and cannot be intercepted en-route. It also means a padlock icon is visible in the browser address bar.

Server Logs

The Web Server hosting our Practice Website automatically collects audit logs of Website usage. These logs include the IP addresses of Website users. Web Server Logs are used to monitor, measure, analyse, improve, and troubleshoot services only. They are not published or passed to any third parties, and are used solely to maintain service quality. Audit logs are kept for 6 months and are automatically deleted.

Cookies

Our website 'Usage of Cookies' page contains information about the cookies used by our website, including those placed by Google to provide accurate analytics. This page also provides details of how to block cookies if required.

Links To Other Websites Which Request Personal Details

The Practice Website directs patients out to the practice clinical system (SystemOne) a third-party secure website service for appointments, request repeat prescriptions and viewing some parts of their medical records.

Complaints

In the event that you feel your GP Practice has not complied with any aspect of the current data protection legislation you should raise your concerns in the first instance **in writing** to the Practice Manager at:

Goodheart Surgery
Bransholme Health Centre
1st Floor Lift A
Goodhart Road
Bransholme
Hull
HU7 4DW

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at www.ico.gov.uk