

# Privacy Notice

## Danby Surgery

**We understand how important it is to keep your personal information safe and secure and we take this very seriously. We have taken steps to make sure your personal information is looked after in the best possible way and we review this regularly.**

**Please read this Privacy Notice ('Privacy Notice') carefully, as it contains important information about how we use the personal and healthcare information we collect on your behalf.**

### **Coronavirus (COVID-19) pandemic and your information**

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the COVID-19 pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20th March 2020 the Secretary of State for Health and Social Care issued a notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

Please note that this notice has now been revised and extended by a further notice from 10 September 2021 until 31st March 2022.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the COVID-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease. Additionally, the use of your information is now required to support NHS Test and Trace.

Please be assured that we will only share information and health data that is necessary to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on 31st March 2022 unless a further extension is required. Any further extension will be provided in writing and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

#### **A. 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 Practice Manager Debbie Harrison at [deborah.harrison4@nhs.net](mailto:deborah.harrison4@nhs.net)

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.

#### **B. THE DATA PROTECTION OFFICER**

The Data Protection Officer (DPO) is provided for Danby Surgery by the North of England Commissioning Support Unit. The DOP is available to provide data protection advice and support to help ensure compliance with GDPR and the Data Protection Act 2019.

The Data Officer at the Surgery is Deborah Harrison You can contact her at/on 01287 660739 or [deborah.harrison4@nhs.net](mailto:deborah.harrison4@nhs.net)

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

### C. **ABOUT US**

We, at the Danby Surgery ('**the Surgery**') situated at Briar Hill, Danby, Whitby, North Yorkshire YO21 2PA, 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.

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.

### D. **INFORMATION WE COLLECT FROM YOU**

The information we collect from you will include:

- A. Your contact details (such as your name and email address, including place of work and work contact details);
- B. Details and contact numbers of your next of kin;
- C. Your age range, 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 professionals within the Surgery involved in your direct healthcare.

### E. **INFORMATION ABOUT YOU FROM OTHERS**

We also collect personal information about you when it is sent to us from the following:

- A. a hospital, a consultant or any other medical or healthcare professional, or any other person involved with your general healthcare.
- B. Firearms applications from the local police force

### F. **YOUR SUMMARY CARE RECORD**

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England.

This record may be shared with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

You may have the right to demand that this record is not shared with anyone who is not involved in the provision of your direct healthcare. If you wish to enquire further as to your rights in respect of not sharing information on this record then please contact our Data Protection Officer.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, please visit <https://nhs.uk/your-nhs-data-matters>

Note if you do choose to opt out, you can still consent to your data being used for specific purposes. However, if you are happy with this use of information you do not need to do anything. You may however change your choice at any time.

#### **G. WHO WE MAY PROVIDE YOUR PERSONAL INFORMATION TO AND WHY**

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care Services, important information about you is collected to help ensure you get the best possible care and treatment. This information may be passed to other approved organisations where there is a legal basis, to help with planning services, improving care, research into developing new treatments and preventing illness. All of this helps in providing better care to you and your family and future generations. However, as explained in this Privacy Notice, confidential information about your health and care is only used in this way where allowed by law and would never be used for any other purpose without your clear and explicit consent.

We may pass your personal information on to the following people or organisations, because these organisations may require your information to assist them in the provision of your direct healthcare needs. It, therefore, may be important for them to be able to access your information in order to ensure they may properly deliver their services to you:

- A. Hospital professionals (such as doctors, consultants, nurses, etc);
- B. Other GPs/Doctors;
- C. Pharmacists;
- D. Nurses and other healthcare professionals;
- E. Dentists;
- F. Any other person that is involved in providing services related to your general healthcare, including mental health professionals and community link workers commissioned by the Primary Care Network (see note N. below).

#### **H. OTHER PEOPLE WHO WE PROVIDE YOUR INFORMATION TO**

- A. Commissioners;
- B. Clinical Commissioning Groups;

- C. Local authorities;
- D. Community health services;
- E. Voluntary Sector Services;
- F. Private Sector Providers;
- G. Social Care Services;
- H. Health and Social Care Information Centre (HSCIC);
- I. NHS Digital – NHS England has directed NHS Digital to collect and analyse data in connection with Physical Health Checks for people with Severe Mental Illness;
- J. Education Services;
- K. Fire and Rescue Services;
- L. Police and Judicial Services;
- M. For the purposes of complying with the law e.g. Police, Solicitors, Insurance Companies;
- N. Anyone you have given your consent to, to view or receive your record, or part of your record. **Please note, if you give another person or organisation consent to access your record we will need to contact you to verify your consent before we release that record. It is important that you are clear and understand how much and what aspects of, your record you give consent to be disclosed.**

O. **Primary Care Network**

We are a member of the Whitby, Coast and Moors Primary Care Network (PCN). This means we will be working closely with a number of other Practices and health and care organisations to provide healthcare services to you.

During the course of our work we may share your information with these Practices and health care organisations/professionals. We will only share this information where it relates to your direct healthcare needs.

When we do this, we will always ensure that appropriate agreements are in place to protect your information and keep it safe and secure. This is also what the Law requires us to do.

If you would like to see the information the PCN holds about you please contact the Data Protection Officer at Danby Surgery.

- P. **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, those key “**hub**” practices will have to have access to your medical record to be able to offer you the service. 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 are as follows:  
Sleights & Sandsend Medical Practice

- Q. **Data Extraction by the Clinical Commissioning Group** – the clinical commissioning group at times extracts medical information about you, but the information we pass to them via our computer systems **cannot identify you to them**. This information only refers to you by way of a code that only your practice can identify (it is pseudo-anonymised). This therefore protects you from anyone who may have access to this information at the Clinical Commissioning Group from **ever** identifying you as a result of seeing the medical information and we will **never** give them the information that would enable them to do this.

There are good reasons why the Clinical commissioning Group may require this pseudo-anonymised information, these are as follows:

- a) To Monitor the provision of services
  - b) To improve the quality of services
  - c) To carry out audit and review outcomes of services
- R. **Medicines Management** - Your GP Practice supports a medicines management review service of medications prescribed to its patients. This service involves a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. This service is provided by qualified and registered healthcare professionals from within the GP practice, our NHS Primary Care Network, NHS North Yorkshire Clinical Commissioning Group or by external partners approved by the GP practice. Patient identifiable information does not leave the practice system but is accessed to ensure only appropriate clinical recommendations or decisions are made for each patient. Each patient can opt out of (or back into) the practice using their data for anything other than specified purposes or where there is a lawful requirement to do so.

S. **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:

- a) 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.

- b) Delivery services (for example if we were to arrange for delivery of any medicines to you).
- c) 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.

#### I. **ANONYMISED INFORMATION**

Sometimes we may provide information about you 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.

#### J. **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 email our Data Protection Officer. 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**

- i. We are currently working towards offering all patients on-line access to their medical records. We hope to achieve this for existing patients in the next 18-24 months. All new patients will automatically be given on-line access to their records.
- ii. Please note that online access will also provide access to all relevant correspondence attached to your record. It is your responsibility to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

##### C. **Correction**

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 us 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, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.

#### **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.

#### **K. THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD**

Sometimes we record information about third parties mentioned by you to us during any consultation. 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.

#### **L. 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.***



#### M. **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).

#### N. **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

#### O. **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.

#### P. **CHILDREN**

There is a separate Privacy Notice for patients under the age of 16, a copy of which may be obtained on request.

**Q. 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 the Practice Data Officer.

**R. 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 Practice Data 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/>.

**S. 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.

**T. 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.

**U. 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.

We encourage patients to ensure their phones and devices are only accessible by individuals with permission to view their personal sensitive information.

**V. 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.

All patient related texts and emails will be recorded on your medical record and then deleted from our text service and email account.

**W. CALL RECORDING**

Incoming and outgoing calls are recorded at Danby Surgery for training and monitoring purposes. Recordings are securely stored and deleted after one month.

**X. 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.

**Y. CHANGES TO OUR PRIVACY NOTICE**

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on 27<sup>th</sup> September 2021.