

Fair Processing Notice (Privacy Notice) **Your Personal Information – what you need to know**

Your information, what you need to know

This privacy notice explains why we collect information about you, how that information will be used, how we keep it safe and confidential and what your rights are in relation to this.

COVID-19 and your information – Updated on 8th April 2020

Supplementary privacy notice on Covid-19 for Patients

This notice describes how we may use your information to protect you and others during the Covid-19 outbreak. It supplements this main Privacy Notice.

The health and social care system is facing significant pressures due to the COvid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations. Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arms Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the Covid-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-Outs](#). However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Subject Access Requests (SARs), Freedom of Information requests (FOIs) and new opt out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information included health and care records with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text message or email.

During this period of emergency we may offer you a consultation via telephone or video conferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and the NHSX have developed a single, secure store to gather data from across the



health and care system to information the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patient themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

We may amend this Privacy Policy at any time so please review it frequently. The date at the top of this page will be amended each time this notice is updated.

Why we collect information about you

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received. These records help to provide you with the best possible healthcare and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form

Our Commitment to Data Privacy and Confidentiality Issues

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national Laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communications (EC Directive) Regulations.

Data we collect about you

Records which this GP Practice will hold or share about you will include the following:

- Personal Data – means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- Special Categories of Personal Data – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

- Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (e.g. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information ‘given in confidence’ and ‘that which is owed a duty of confidence’. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.
- Pseudonymised - The process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their ‘real world’ identity.
- Anonymised – Data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place
- Aggregated - Statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

How we use your information

Improvements in information technology are also making it possible for us to share data with other healthcare organisations for the purpose of providing you, your family and your community with better care. For example it is possible for healthcare professionals in other services to access your record with your permission when the practice is closed. This is explained further in the Local Information Sharing at Appendix A.

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.

A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.

How long do we hold information for?

All records held by the Practice will be kept for the duration specified by national guidance from NHS Digital, [Health and Social Care Records Code of Practice](#). Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our information asset registers, in line with the Records Management Code of

Practice for Health and Social Care 2016.

Your right to opt out of data sharing and processing

The NHS Constitution states 'You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit: [The NHS Constitution](#)

Type 1 Opt Out

This is an objection that prevents an individual's personal confidential information from being shared outside of their general practice except when it is being used for the purposes of direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. If you wish to apply a Type 1 Opt Out to their record they should make their wishes known to the practice manager.

National data opt-out

The national data opt-out was introduced on 25 May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

By 2020 all health and care organisations are required to apply national data opt-outs where confidential patient information is used for research and planning purposes. NHS Digital has been applying national data opt-outs since 25 May 2018. Public Health England has been applying national data opt-outs since September 2018.

The national data opt-out replaces the previous 'type 2' opt-out, which required NHS Digital not to share a patient's confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to [National data opt out programme](#)

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
- 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

Right of Access to your information (Subject Access Request)

Under Data Protection Legislation everybody has the right to have access to, or request a copy of, information we hold that can identify you, this includes your medical record, there are some safeguards regarding what you will have access to and you may find information has been redacted or removed for the following reasons;

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third-party information are adhered to

You do not need to give a reason to see your data. And requests can be made verbally or in writing. Although we may ask you to complete a form in order that we can ensure that you have the correct information you require.

Where multiple copies of the same information is requested the surgery may charge a reasonable fee for the extra copies.

You will need to provide proof of identity to receive this information.

If you would like to access your GP record online click here <http://www.archhealthcare.uk>

Change of Details

It is important that you tell the surgery if any of your contact details such as your name or address have changed especially if any of your other contacts details are incorrect. It is important that we are made aware of any changes **immediately** in order that no information is shared in error.

Mobile telephone number

If you provide us with your mobile phone number, we may use this to send you text reminders about your appointments or other health screening information. Please let us know if you do not wish to receive text reminders on your mobile.

Email address

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide. If you do not wish to receive communications by email please let us know.

Notification

Data Protection Legislation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

We are registered as a Data Controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what we cover/register of data controllers](http://ico.org.uk/what_we_cover/register_of_data_controllers)

Any changes to this notice will be published on our website and in a prominent area at the Practice.

Data Protection Officer

Should you have any data protection questions or concerns, please contact our Data Protection Officer - Trudy Slade – via the surgery at 01273 003930

What is the right to know?

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However you can request this under a right of access request – see section above 'Access to your information'.

Right to Complaint

If you have concerns or are unhappy about any of our services, please contact Peter Sutcliffe, the Practice Manager. For independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 0303 123 1113 Website: <https://ico.org.uk/global/contact-us>

The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under Data Protection Legislation.

<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programs available to you, confidentiality, information and your right to complain if things go wrong.

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

Appendix A – The Practice will share your information with these organisations where there is a legal basis to do so.

Activity	Rationale
CCG	<p>Purpose – Anonymous data is used by the CCG for planning and performance as directed in the practices contract.</p> <p>Legal Basis – Contractual</p> <p>Processor – Brighton and Hove CCG</p>
Summary Care Record	<p>Purpose - The NHS in England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.</p> <p>Legal Basis – Direct Care</p> <p>Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an emergency. Your records will stay as they are now with information being shared by letter, email, phone. If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.</p> <p>Processor – NHS England and NHS Digital</p>
Research	<p>Purpose – We may share personal confidential or anonymous information with research companies. Where you have opted out of having your identifiable information shared for this purpose your information will be removed.</p> <p>Legal Basis – consent is required to share confidential patient</p>

	<p>information for research, unless there is have support under the Health Service (Control of Patient Information Regulations) 2002 ('section 251 support') applying via the Confidentiality Advisory Group in England and Wales</p> <p>Processor – we do not regularly use research companies – if we wish to do so, we will seek your consent and notify you of the Processor involved.</p>
Individual Funding Requests	<p>Purpose – We may need to process your personal information where we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts.</p> <p>Legal Basis - The clinical professional who first identifies that you may need the treatment will explain to you the information that is needed to be collected and processed in order to assess your needs and commission your care; they will gain your explicit consent to share this. You have the right to withdraw your consent at any time</p> <p>Data processor – Identified ad hoc basis – patients will be notified when funding sought.</p>
Safeguarding Adults	<p>Purpose – We will share personal confidential information with the safeguarding team where there is a need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis - Because of public Interest issues, e.g. to protect the safety and welfare of vulnerable adults, we will rely on a statutory basis rather than consent to process information for this use.</p> <p>Data Processor – Brighton & Hove Local Safeguarding Board (01273 290400)</p>
Safeguarding Children	<p>Purpose – We will share childrens personal information where there is a need to assess and evaluate any safeguarding concerns.</p> <p>Legal Basis - Because of public Interest issues, e.g. to protect the safety and welfare of Safeguarding we will rely on a statutory basis rather than consent to share information for this use.</p> <p>Data Processor – Brighton & Hove Local Safeguarding Board (01273 290400)</p>
Risk Stratification – Preventative Care	<p>Purpose - 'Risk stratification for case finding' is a process for identifying and managing patients who have or may be at-risk of health conditions (such as diabetes) or who are most likely to need healthcare services (such as people with frailty). Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health before it develops.</p> <p>Information about you is collected from a number of sources including NHS Trusts, GP Federations and your GP Practice. A risk score is then arrived at through an analysis of your de-identified information. This can help us identify and offer you additional services to improve your</p>

	<p>health.</p> <p>If you do not wish information about you to be included in any risk stratification programmes, please let us know. We can add a code to your records that will stop your information from being used for this purpose. Please be aware that this may limit the ability of healthcare professionals to identify if you have or are at risk of developing certain serious health conditions.</p> <p>Type of Data – Identifiable/Pseudonymised/Anonymised/Aggregate Data</p> <p>Legal Basis GDPR Art. 6(1) (e) and Art.9 (2) (h). The use of identifiable data by CCGs and GPs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority (approval reference (CAG 7-04)(a)/2013)) and this approval has been extended to the end of September 2022 NHS England Risk Stratification which gives us a statutory legal basis under Section 251 of the NHS Act 2006 to process data for risk stratification purposes which sets aside the duty of confidentiality. We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality.</p> <p>Processors – Identify Agency</p>
<p>Public Health Screening programmes (identifiable) Notifiable disease information (identifiable) Smoking cessation (anonymous) Sexual health (anonymous)</p>	<p>Purpose – Personal identifiable and anonymous data is shared. The NHS provides national screening programmes so that certain diseases can be detected at an early stage. These currently apply to bowel cancer, breast cancer, aortic aneurysms and diabetic retinal 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.</p> <p>More information can be found at: https://www.gov.uk/topic/population-screeningprogrammes [Or insert relevant link] or speak to the practice</p> <p>Legal Basis - Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Data Processors – Public Health England https://www.gov.uk/government/organisations/public-health-england</p>
<p>NHS Trusts</p>	<p>Purpose – Personal information is shared with other secondary care trusts in order to provide you with direct care services. This could be hospitals or community providers for a range of services, including treatment, operations, physio, and community nursing, ambulance service.</p> <p>Legal Basis - The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in</p>

	<p>support of direct care elsewhere is supported under the following Article 6 and 9 conditions as stated below:</p> <p>Processors – Sussex Community Foundation Trust; Sussex Partnership Foundation Trust</p>
Care Quality Commission	<p>Purpose – The CQC is the regulator for the English Health and Social Care services to ensure that safe care is provided. They will inspect and produce reports back to the GP practice on a regular basis. The Law allows the CQC to access identifiable data.</p> <p>Legal Basis - Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.” And Article 9(2) (h) as stated below</p> <p>Processors – Care Quality Commission</p>
Payments, Invoice validation	<p>Purpose - 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. These 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 (QUOF), 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 incomes 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 research. 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 laws.</p> <p>Legal Basis - Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.” And Article 9(2)(h) ‘as stated below</p> <p>Data Processors – NHS England, CCG, Public Health</p>
Patient Record data base	<p>Purpose – Your medical record will be shared, in order that a data base can be maintained and managed in a secure way</p> <p>Legal Basis - Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p>

	<p>Processor – TPP UK</p>
iGPR	<p>Purpose – Your medical record will be shared in order that a report can be provided to agencies such as insurance companies or solicitors</p> <p>Legal Basis – Your consent will be required to share your record for this purpose</p> <p>Processor - iGPR</p>
AccurRX	<p>Purpose – Your anonymous information will be shared in order to optimise your medication within your record. This will enable your GP to provide a more efficient medication regime.</p> <p>Legal Basis - Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Processor - FDB</p>
Medicines Management Team	<p>Purpose – your medical record is shared with the medicines management team, in order that your medication can be kept up to date and any changes can be implemented.</p> <p>Legal Basis - Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Processor – Brighton and Hove Medicine Management Team BHCCG.MedicinesManagement@nhs.net</p>
NHS 111 COVID-19 Triage response	<p>Purpose – in order for NHS 111 to triage patient calls with queries regarding Covid-19 during practice closures or times of pressure on the system, enabling the robust process for patients, potentially suffering with covid-19, to be triaged and treated in the most effective and appropriate way.</p> <p>Legal Basis - The Secretary of State for Health and Social Care has issued NHS Digital with a Notice under <u>Control of Patient Information Regulations (COPI)</u>. This allows NHS Digital to share patient information with organisations entitled to process this under COPI for COVID-19 purposes. This means that for GP Connect, NHSD are creating a single ‘National Sharing Agreement’ on the Spine that contains all GP practices in England.</p> <p>Patients can opt out of their information being shared with GP Connect by contacting their GP practice and requesting a Type 1 Opt out. Please note that opting out of having information shared may delay or impair the ability for urgent treatment.</p> <p>Processor – NHS Digital, NHS 111 via GP Connect</p>
GP Federation (name) GP Extended Access LIVI	<p>Purpose – Your medical record will be shared with the (name) in order that they can provide direct care services to the patient population. This could be in the form of video consultations, Minor injuries clinics, GP extended access clinics</p>

	<p>Legal Basis - Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) as stated below</p> <p>Processor – Brighton & Hove Primary Care Ltd</p>
COVID-19 Research and Planning	<p>Purpose – for the collection of Personal confidential data regarding the diagnosis, testing, self-isolating, fitness to work, treatment medical and social interventions and recovery from Covid-19. To enable research and planning during the Covid-19 pandemic.</p> <p>Legal Basis - Notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI), which were made under sections 60 (now section 251 of the NHS Act 2006) and 64 of the Health and Social Care Act 2001. Data will only be extracted for those patients who have consented to the process.</p> <p>Provider - BioBank</p>
General Practice Extraction Service (GPES)	<p>Purpose – GP practices are required by law to provide data extraction of their patients personal confidential information for various purposes by NHS Digital. The objective of this data collection is on an ongoing basis to identify patients registered at General Practices who fit within a certain criteria, in order to monitor and either provide direct care, or prevent serious harm to those patients. Below is a list of the purposes for the data extraction, by using the link you can find out the detail behind each data extraction and how your information will be used to inform this essential work:</p> <p>You can find the approval certificate and details including individual legal basis for all data extractions by following the link below.</p> <p>https://digital.nhs.uk/data-and-information/information-standards/information-standards-and-data-collections-including-extractions/publications-and-notifications/standards-and-collections/gp-data-collections</p> <p>Legal Basis - All GP Practices in England are legally required to share data with NHS Digital for this purpose under section 259(1)(a) and (5) of the 2012 Act</p> <p>Any objections to these data collections should be made directly to NHS Digital. enquiries@nhsdigital.nhs.uk</p> <p>Processor – NHS Digital or NHS X</p>

Reviews of and Changes to our Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in November 2019.

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)(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...'