



LAVANT ROAD SURGERY

Data Protection and your Medical Records

www.lavantsurgery.co.uk

Introduction

Lavant Road Surgery recognises the need for an appropriate balance between openness and confidentiality in the management and use of information. Lavant Road Surgery fully supports the principles of corporate governance and recognises its public accountability, but equally places importance on the confidentiality of, and the security arrangements to safeguard, both personal information about patients and staff and commercially sensitive information. Lavant Road Surgery also recognises the need to share patient information with other health organisations and other agencies in a controlled manner consistent with the interests of the patient and, in some circumstances, the public interest.

Lavant Road Surgery believes that accurate, timely and relevant information is essential to deliver the highest quality health care. As such it is the responsibility of all clinicians and managers to ensure and promote the quality of information and to actively use information in decision making processes.

Why we collect information about you

In the National Health Service we aim to provide you with the highest quality of health care. To do this we must keep records about you, your health and the care we have provided or plan to provide to you.

These records may include:

- Basic details about you, such as address, date of birth, next of kin.
- Contact we have had with you such as clinical visits.
- Notes and reports about your health.
- Details and records about your treatment and care.
- Results of x-rays, laboratory test etc.
- Relevant information from people who care for you and know you well, such as health professionals and relatives

It is good practice for people in the NHS who provide care to:

- **discuss and agree with you what they are going to record about you;**
- **give you a copy of letters they are writing about you; and**
- **show you what they have recorded about you, if you ask.**

How your records are used

The people who care for you use your records to:

- Provide a good basis for all health decisions made by you and care professionals.
- Allow you to work with those providing care.
- Make sure your care is safe and effective.
- Work effectively with others providing you with care.

Others may also need to use records about you to:

- Check the quality of care (such as clinical audit).
- Protect the health of the general public.
- Keep track of NHS spending.
- Manage the health service.
- Help investigate any concerns or complaints you or your family have about your health care.
- Teach health workers.
- Help with research

Some information will be held centrally to be used for statistical purposes. In these instances we take strict measures to ensure that individual patients cannot be identified.

We use anonymous information, wherever possible, but on occasions we may use personally identifiable information for essential NHS purposes such as research and auditing. However, this information will only be used with your consent, unless the law requires us to pass on the information.

Use for non-clinical purposes

With your explicit permission we may use your contact details, such as Email addresses, to contact you for the following:

Patient Participation Group (PPG) – you can sign up using a form available in the Surgery. You can resign from the PPG via email to practice.lavantroad@nhs.net or by informing a member of staff at the surgery.

General Data Protection Regulations (GDPR)

Lavant Road Surgery is aware of and will adhere to the General Data Protection Regulations (GDPR). Full details of the Practice's compliance with the GDPR is available in the Surgery and on our website at:

www.lavantsurgery.co.uk

Lavant Road Surgery will comply with GDPR article 30(1) and will document in writing and maintain a record of our processing activities, covering areas such as processing purposes, data sharing and retention. This information will be available to patients in a series of Privacy Notices. Lavant Road Surgery's Privacy Notices are as follows (the first of which is included in this booklet):

- **Direct Care (Routine Care and Referrals)**
- Summary Care Record
- Emergencies
- Public Health England
- Safeguarding
- National Screening Programmes
- Care Quality Commission
- NHS Digital
- Payments
- Research
- Risk Stratification

The above Privacy Notices are available in the Surgery Waiting Room and on our website as detailed above.

Notification

We are required to notify the Information Commissioner of the purposes for which we process personal information.

The details are publicly available from the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Tel: 01625 545745

Privacy Notice – Direct Care (Routine Care and Referrals)

Explanation

This practice keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS Data.

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, on average an NHS GP has between 1,500 to 2,500 patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances, for this reason GPs share your care with others, predominantly within the surgery but occasionally with outside organisations.

If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance admin staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments, the practice nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts whilst the GP you see or speak to will normally have access to everything in your record.

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) Data Controller contact details	Lavant Road Surgery 8, Lavant Road, Chichester, West Sussex PO19 5RH
2) Data Protection Officer contact details	Name: Dr Michael Lewis Lavant Road Surgery, 8 Lavant Road, Chichester, PO19 5RH Tel. 01243 527264
3) Purpose of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) Lawful basis for processing	The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR: <i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i> <i>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</i>

	<p><i>provision of health or social care or treatment or the management of health or social care systems and services..."</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"</p>
5) Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.
7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

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

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

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

Three circumstances making disclosure of confidential information lawful are:

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

You have the right

You have the right to confidentiality under the GDPR, the Human Rights Act 1998 and the common law duty of confidence (the Disability Discrimination and the Race Relations Acts may also apply).

You also have the right to ask for a copy of all records about you, this is known as a Subject Access Request:

- Your request must be made in writing to Lavant Road Surgery.
- We are required to respond to you within one month.
- You will need to give adequate information (for example full name, address, date of birth NHS number etc.).
- You will be required to provide ID before any information is released to you.

It would help the practice if you could:

- Agree to view this information online via a SystemOnline account.
or
- Limit the size of your request to the specific areas you are interested in, e.g. a particular period of care or care for a particular interest

If, on viewing your records, you think anything is inaccurate or incorrect, please inform us.

Subject Access Requests should not be used to obtain medical records for commercial purposes, e.g. for passing to an insurance company or to your employer. Such access should be made under the Access to Medical Reports Act 1988. Under the Data Protection Bill 2018, it will be illegal to use Subject Access Requests for this purpose.

How we keep your records confidential

Everyone working for the NHS has a legal duty to keep information about you confidential.

We have a duty to:

- Maintain full and accurate records of the care we provide to you.
- Keep records about you confidential, secure and accurate.
- Provide information in a format that is accessible to you (i.e., in large type if you are partially sighted).

We will not share information that identifies you for any reason, unless:

- You ask us to do so.
- We ask and you give us specific permission.
- We have to do this by law.
- We have special permission for health or research purposes.
- We have special permission because the interests of the public are thought to be of greater importance than your confidentiality

Our guiding principle is that we are holding your records in strict confidence.

Who are our partner organisations?

We may share information with the following main partner organisations:

- NHS Trusts (Hospitals, Community Teams).
- Special Health Authorities.
- Ambulance Service.

We may also share your information, with your consent and subject to strict sharing protocols about how it will be used, with:

- Social Services.
- Education Services.
- Local Authorities.
- Voluntary Sector Providers.
- Private Sector

Anyone who receives information from us also has a legal duty to Keep It Confidential.

Access to your GP Medical Record by other organisations

Our Medical Record Computer System is set-up so that if you receive medical care from one of the organisations below, they can, with your explicit permission, gain access to your GP Medical Record, thus helping them in their care of you.

- **Community Nursing Team** – The nurses and other health professionals who work in the community and visit patients at their home.
- **OneCall & Echo** – The team who coordinate Urgent Care and End of Life Care in the community.
- **St Wilfrid's Hospice** – The team who provide tailored end of life care in the Community and at their Chichester Hospice.
- **MIAMI/GP Extended Access** – The new Minor Injury & Minor Illness clinics providing additional GP Appointments.
- **Bognor Minor Injuries Unit** – The Emergency Nurse Practitioners who treat minor injuries in the Bognor War Memorial Hospital Unit.

These teams will not be able to access your medical record if you have not been registered with them to receive their services. They will also ask for your Explicit Consent to view your GP Medical Record when they first see or speak to you. If you say no, they will not access your record.

If you do not want one or more of these organisations to have this ability, please ask for a Sharing Dissent form from Reception. Please make such a decision carefully as it will mean that even if you subsequently gave them explicit consent, they would not be able to access your record until they have spoken to the Surgery. This would be delayed overnight and at weekends when the surgery is closed and potentially when they need such access the most.

Further Information

Further information on Data Protection and your Medical Records is available in the Surgery and on our website at:

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