

## Happy House Surgery Fair Processing Notice

This 'Fair Processing Notice' explains:

- Why we collect information about you
- How that information may be used.

If you are happy for your data to be extracted and used for the purposes described in this Fair Processing Notice, then you do not need to do anything.

If you do not want your personal data being extracted and used for the purposes described in this Fair Processing Notice, then you need to let us know as soon as possible in writing to the Practice Manager.

Please note that withdrawing your consent from sharing data may, in some circumstances, cause a delay in your receiving care.

### How we use your information

Our GP practice holds information about you and this document outlines how that information is used, with whom we may share that information, how we keep it secure (confidential) and what your rights are in relation to this. The Practice is only allowed to process data if it can be justified a lawful process. For the purposes of Healthcare, most of the data we process falls under:

*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...'*

The Health Care Professionals (HCP) who provide you with care, maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP surgery, Community clinics or staff etc.). These records help to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both and we use a combination of working practices and technology to ensure that your information is kept confidential and secure.

### What kind of information do we use?

- Details about you, such as your address, telephone number, legal representative, emergency contact details
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health

- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used for clinical audit to monitor the quality of the service provided and to plan NHS services.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified.

Sometimes your information may be requested to be used for research purposes – the surgery or organisation concerned will always ask your consent before releasing the information.

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS and what control patients can have over this.

The NHS Constitution <https://www.gov.uk/government/publications/the-nhs-constitution-for-england> establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities, which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

### **What do we use your personal and confidential/sensitive information for?**

We keep information and details of the care you have received in order to help plan your current and future healthcare. If you receive care from organisations outside the NHS we may need to share certain information to enable us to work together e.g. private healthcare or Social Service. Only the minimum necessary identifiers are used in processing personal information for the purpose. We also have a Common Law Duty of Confidentiality to protect your information. This means that where a legal basis for using your personal or confidential information does not exist, we will not do so without your express consent.

### **Apart from direct health care sensitive personal information may also be used in the following cases:**

- To respond to patients, carers or Member of Parliament communication
- We have received consent from individuals to be able to use their information for a specific purpose.
- There is an over-riding public interest in using the information e.g. in order to safeguard an individual, or to prevent a serious crime.
- There is a legal requirement that will allow us to use or provide information (e.g. a formal court order).
- For the health and safety of others, for example to report an infectious disease such as meningitis or measles.
- We have special permission for health and research purposes (granted by the Health Research Authority).

- We have special permission called a 'section 251 agreement' (Section 60 of the Health and Social Care Act 2001 as re-enacted by Section 251 of the NHS Act 2006) which allows the Secretary of State for Health to make regulations to set aside the common law duty of confidentiality for defined medical purposes. An example of where this is used is in risk stratification. Further information can be found on the Health Research Authority's web site here <http://www.hra.nhs.uk/about-the-hra/our-committees/section-251/what-is-section-251/>

## **Risk Stratification**

Risk stratification tools are increasingly being used in the NHS to help determine a person's risks of suffering from a particular condition, preventing an unplanned or (re)admission and identifying a need for preventative intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your anonymised information using software managed by North of England Commissioning Support Service (NECS), which is based at John Snow House, Durham, DH1 3YG. The data is provided back to the GP Practice or member of your care team in an identifiable form. Risk stratification enables your GP Practice to focus on the prevention of ill health and not just the treatment of sickness. If necessary, your GP Practice may be able to offer you additional services.

Should you have any concerns about how information is managed at your GP Practice, please write to the Practice Manager so you can discuss how the disclosure of your personal information can be limited.

## **Invoice validation**

If you have received treatment within the NHS, access to your personal information is required in order to determine which Integrated Care Board (ICB) should pay for the treatment or procedure you have received. The validation of invoices is undertaken within a controlled environment for finance within the North of England CSU (NECS) which is based at John Snow House, Durham, DH1 3YG. This is carried out via a section 251 agreement and is undertaken to ensure that the ICB is paying for treatments relating to its patients only. The dedicated NECS team receives patient level information (minimal identifiers are used for this purpose, such as NHS number, post code, date of birth) direct from the hospital providers and undertakes a number of checks to ensure that the invoice is valid and that it should be paid for by the ICB. The ICB does not receive or see any patient level information relating to these invoices. Further information about invoice validation can be found on NHS England's web site here:

<https://www.england.nhs.uk/ourwork/tsd/ig/in-val/>

## **How do we maintain confidentiality of your records?**

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 1998 (which is overseen by the Information

Commissioner's Office), Human Rights Act, the Common Law Duty of Confidentiality and the NHS Codes of Confidentiality and Security.

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. Anyone who received information from an NHS organisation has a legal duty to keep it confidential.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others **involved in your care** have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (e.g. life or death situations) or where the law requires information to be passed on.

The NHS Digital Code of Practice on Confidential Information applies to all of our staff, and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All practice staff are expected to make sure information is kept confidential and receive annual training on how to do this. This is monitored by the practice and can be enforced through disciplinary procedures.

We also ensure the information we hold is kept in secure locations, restrict access to information to authorised personnel only and protect personal and confidential information held on equipment such as laptops with encryption (which masks data so that unauthorised users cannot see or make sense of it).

We ensure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where information that could or does identify a person is processed.

We have a senior person responsible for protecting the confidentiality of patient information and enabling appropriate information sharing. This person is called the Data Controller. The Data Controller for the practice is Dr Nayar Quasim, who is also the Caldicott Guardian. Dr Quasim is assisted by the Practice Manager, Lisa Greenman, who is the contact for all enquiries and can be contacted through reception.

The Data Protection Officer for the Practice is Jim Carroll who is responsible for the Practice's compliance with GDPR legislation. He can be contacted through Sunderland ICB on 0191 5128484.

We are registered with the Information Commissioner's Office (ICO) as a data controller which describes the purposes for which we process personal data. A copy of the registration is available from the ICO's web site by searching on our practice name.

### **Who are our Partner Organisations?**

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations:

- NHS Trusts
- Specialist Trusts
- Independent contractors such as dentists, opticians, pharmacists
- Private sector providers
- Voluntary sector providers
- Ambulance Trusts
- Integrated Care Boards
- Social Care and Health
- Local Authorities
- Education Services
- Fire & Rescue Services
- Police
- Other data processors

### **Summary Care Records (SCR)**

The Summary Care Record is a national scheme to share information about the medicines you are prescribed and any allergies or other adverse reactions you have experienced. Health Professionals at other organisations will only be able to access this information with your permission. You can opt-out of the scheme; please ask at the surgery if you need more information or follow the appropriate link on our website.

### **Summary Care Record with Additional Information**

This is a national scheme to share more detailed information including your current medical problems and your care wishes. Health Professionals at other organisations will only be able to access this information with your permission. This information will only be available to other agencies if you have given us your permission to share it.

### **Care.Data Research**

The Health and Social Care Act 2012 allows the Health & Social Care Information Centre (HSCIC) to collate personal confidential data from GP practices without seeking your specific consent. Care.data is an example of a service that NHS England (not individual GP practices) has set up to use HSCIC to collect data from GP practices about patients. This is in order to make increased use of information from medical records with the intention of improving healthcare and the quality of care delivered to patients.

Information will be extracted from GP systems across the country and includes personal confidential data such as referrals, NHS prescriptions and other clinical data. It also includes some identifiers like your date of birth, postcode, NHS number and gender but not your name. This is so that your information can be linked with data from other healthcare settings for example, the hospital.

### **Great North Care Record (GNCR)**

A local initiative to share medical information in the North East. The information shared is similar to that in the Summary Care Record with Additional Information. Health Professionals at other organisations will only be able to access this information with your permission. The health organisations with whom we share this information are:

- City Hospitals NHS Trust
- Sunderland West Extended Access Service
- Sunderland Community Services
- Sunderland GP Alliance
- Newcastle Upon Tyne NHS Foundation Trust
- North Tees and Hartlepool NHS Foundation Trust
- County Durham and Darlington NHS Trust A&E
- Northern Doctors Urgent Care (Out of Hours)
- North East Ambulance Foundation Trust
- Northumbria NHS Trust
- Northumberland, Tyne and Wear NHS Foundation Trust
- South Tyneside NHS Foundation Trust
- GatDoc
- Tees, Esk and Wear Valleys NHS Foundation Trust

This information will be shared unless you tell us in writing that you don't want us to share it. You can opt-out of this scheme – please ask at the surgery.

### **What are your rights?**

Where information from which you can be identified is held, you have the right to ask to:

- View this or request copies of the records by making a [subject access request](#) – also see below.
- request information is corrected
- have the information updated where it is no longer accurate
- ask us to stop processing information about you where we are not required to do so by law – although we will first need to explain how this may affect the care you receive.

### **Access to personal information**

You have a right under the Data Protection Act 1998 to access/view what information the surgery holds about you, and to have it amended or removed should it be inaccurate. This is known as 'the right of subject access'. If we do hold information about you we will:

- Give you a description of it
- Tell you why we are holding it
- Tell you who it could be disclosed to, and
- Let you have a copy of the information in an intelligible form

If you would like to make a 'subject access request', please contact the Practice.

If your wishes cannot be followed, you will be told the reasons (including the legal basis) for that decision. There are certain circumstances where a person is unable to opt out but these are only where the law permits this such as in adult or children's safeguarding situations. You are not able to object to your name, address and other demographic information being sent to NHS Digital which is necessary if you wish to be registered to receive NHS care

### **How long do you hold information for?**

All records held by the practice will be kept for the duration specified by national guidance from the Department of Health, The Records Management Code of Practice for Health and Social Care 2016. Confidential information is securely destroyed in accordance with this code of practice.

### **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.

### **What sort of information can I request?**

In theory, you can request any information that the practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Act. Your request must be in writing and can be either posted or emailed to the practice.

### **Where can I obtain further advice or make a complaint?**

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think they may have an issue with our collection or use of their information. Please contact us using the contact details at the top of this document should you have any such concerns.

If you are unhappy with our response or believe that our collection or use of information is unfair, misleading or inappropriate you can contact our Data Processing Officer, James Carroll, on 0191 404 1000 Ext 3436. Email address: [STSFT.DPOSunderlandpractices@nhs.net](mailto:STSFT.DPOSunderlandpractices@nhs.net)

If you are still not satisfied with the response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO).

Details can be found at [www.informationcommissioner.co.uk](http://www.informationcommissioner.co.uk)

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 0303 123 1113 (local rate) or 01625 545 745  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Visit the ICO website here <https://ico.org.uk/>

You can also contact the ICO for independent advice about data protection, privacy, data sharing issues and your rights.