

## **Protecting Your Confidentiality (Privacy Notice)**

### **Your information, what you need to know**

This Privacy Notice explains why we collect information about you, how that information may be used and how we keep it safe and confidential.

### **Why we need 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 within any NHS organisation. The information that makes up your record is also essential to help us provide you with the best possible healthcare.

This practice collects and holds 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 may collect information about you which helps us respond to your queries, provide you with the most appropriate care, or arrange specialist services on your behalf. We may keep your information in written form and/or in digital/electronic form. The records will include basic details about you, such as your name and address. They may also contain sensitive information about your health such as outcomes of assessments. All information about you is treated confidentially and only shared on a 'need to know' basis.

### **Details we collect about you**

The health care professionals, who provide you with care, maintain records about your health and any treatment or medicines and care you have received previously from providers of NHS services, such as Buckinghamshire Healthcare NHS Trust or Frimley Health NHS Foundation Trust, your GP surgery or the Minor Injuries and Illness Unit.

Information that your GP Practice holds about you could include the following:

- Contact details such as your address and next of kin
- Any record of contact the surgery has had with you, such as past appointments, clinic visits, emergency appointments, etc.
- Information about allergies and adverse reactions.
- Details about your treatment and care
- Results of investigations, such as laboratory tests, x-rays, etc.
- Record of medicines prescribed
- GP notes and reports
- Relevant information from other health and social care professionals, relatives or those who care for you
- Information about care and treatment that you may have had with other NHS health care providers, for example if your GP practice has referred you for treatment within the NHS, relevant information about you will be shared with that provider and they will in turn provide your GP practice with information on the treatment they have given and the outcomes of any tests.

## How we keep your information confidential and safe

Everyone working for our organisation is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient or authorised carer, unless there are other circumstances covered by the law. The NHS Digital [Code of Practice on Confidential Information](#) applies to all 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 our staff are expected to make sure information is kept confidential and receive regular training on how to do this.

NHS staff are not permitted to access information that is not relevant to the patient and the condition they are treating and our information systems are set up to prevent and track any misuse of information.

The health records we use 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. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate. Before they begin any work they have to provide evidence in the form of a Data Security Policy, that adequate security arrangements are in place to protect patients.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- General Data Protection Regulation
- Data Protection Legislation
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015
- And all applicable legislation

We maintain our duty of confidentiality to you at all times. We will only share your information where there is a legal basis, such as for:-

- Your medical diagnosis and treatment
- To provide you with health or social care
- To manage and plan our local health and social care services
- Where it is required by law, for example the Children's Act 1989 requires information to be shared in Safeguarding cases
- Protection of vital interests, for example to protect someone's physical integrity of life
- With your consent, providing you have capacity to give this, or with consent from your authorised representative.

## Sharing of your data with other organisations working with or for the NHS

Under the powers of the Health and Social Care Act 2015, NHS Digital (the national information and technology partner to the health and social care system) can request personal confidential data from GP Practices without seeking patient consent. However, you can opt-out of this using a Type 2 Opt-out form – see pages 7 and 8 of this document or ask at Reception.

NHS Digital supplies information and data back to the health service, provides vital technological infrastructure, and helps different parts of health and care systems to work together. It is the organisation that is the overall guardian for patient data, making sure it is protected and handled securely.

Improvements in technology are making it possible for us to share data with local healthcare providers, for the purposes of providing you with better and safer care. This enables us to introduce a secure and auditable electronic means of sharing, to replace slow and inefficient, and often less secure, manual or paper sharing methods. The aim of this type of sharing is to ensure the health and social care staff treating you, have the information they need to provide you with the best and safest care.

You can object to (opt-out of) your personal information being shared with other organisations, apart from exceptional circumstances (i.e. your own or someone else's safety is at risk), or where the law requires information to be passed on. You can opt-out of this using a Type 1 Opt-out form – see pages 7 and 8 of this document or ask at Reception.

In line with the new General Data Protection Regulation 2018, we will always inform patients if our data sharing arrangements change, in advance, so that they have an opportunity to object.

## What else might information be used for?

### Child Health Information

We wish to make sure that your child has the opportunity to have immunisations and health checks when they are due. We share information about childhood immunisations, the 6-8 week new baby check and breast-feeding status with NHS Berkshire Health Foundation Trust health visitors and school nurses, and with NHS South Central and West Commissioning Support Unit, who provide the Child Health Information Service in Berkshire on behalf of NHS England.

### Clinical audit

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes e.g. the National Diabetes Audit. Where we do this we take strict measures to ensure that individual patients cannot be identified and the information is anonymised.

### National Registries

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

### **Individual Funding Request**

An 'Individual Funding Request' is an application made with your consent, but on your behalf by a clinician, to fund healthcare which falls outside the range of services and treatments which are routinely commissioned. These requests are considered by an Individual Funding Request Panel which considers evidence of clinical and cost effectiveness, as well as equity for the whole population. A detailed response, including the criteria considered in arriving at the decision, will be provided to the patient or carer and their clinician.

### **Invoice Validation**

Invoice validation is an important process. It involves using your NHS number to check for authorisation from the clinical commissioning group that is responsible for paying for treatment received by all Buckinghamshire residents. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

### **UK Cabinet Office**

The use of data by the UK Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under Data Protection legislation.

The Audit Commission Act 1998 defines data matching as the comparison of sets of data to determine how far they match. The purpose of data matching is to identify inconsistencies that may indicate fraud.

Data matching by the Cabinet Office is subject to a Code of Practice. View further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

### **Supporting Locally Commissioned Services and Quality Premiums**

Clinical commissioning groups support GP practices by auditing anonymised data to monitor locally commissioned services, measure prevalence and support data quality. The data does not include identifiable information and is used to support patient care and ensure providers are correctly paid for the services they provide.

### **Supporting Medicines Management**

Clinical commissioning groups support local GP practices with prescribing queries which generally don't require identifiable information. Clinical commissioning group pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. Where specialist support is required e.g. to order a drug that comes in solid form, in gas or liquid, the clinical commissioning group medicines management team will order this on behalf of the practice to support your care.

### **Safeguarding**

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

### **Risk Stratification (planning future health and social care services)**

Risk stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services in the future. 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 and not just the treatment of sickness. Unidentifiable, anonymised information about patients is collected from a number of NHS organisations and then analysed by software managed by NHS South, Central and West Commissioning Support Unit to create a risk score. This risk score is then given back to your GP practice who will assess future healthcare needs. This should improve care for everyone by helping practices to work more proactively by planning healthcare in advance. Patient data is securely managed throughout the whole process to ensure that identities are kept confidential.

Risk stratification is commissioned by the NHS Clinical Commissioning Group (CCG) in this area. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information on risk stratification is available from: <https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

***If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose.***

### **Clinical Research**

Sometimes your information may be requested to be used for research purposes – the practice will always seek your consent before releasing information for this purpose.

### **Summary Care Record (SCR)**

The NHS in England uses a national electronic record called the Summary Care Record (SCR) to improve the safety and quality of your care. It only contains basic information from your GP record and is not the full patient 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.

The core information of the Summary Care Record comprises your allergies, adverse reactions and medications. An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your agreement.

Please be aware that if you choose to opt-out of the Summary Care Record (SCR), NHS healthcare staff caring for you outside of this practice 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 record will not be shared with the Summary Care Record (SCR) programme. Your information will continue to be shared as previously in connection with your care, by letter, email, fax or phone.

***If you wish to opt-out of having Summary Care Record (SCR) please return a completed opt-out form to the practice.***

Steve Benjamin, Practice Manager, Water Meadow Surgery

### **Local information sharing - Buckinghamshire's My Care Record**

Your patient record (My Care Record) is held securely and confidentially on this practice's electronic system. If you require attention from a health or social care professional, such as an Emergency Department, Minor Illness and Injury Unit, 111, Out Of Hours location, or specialised local health and social care team, those treating you are better able to give appropriate care if information from your GP patient record is available to them. This information can be locally shared electronically via My Care Record.

In all cases, your information is only used by authorised health and social care professionals in organisation involved in providing or supporting your direct care. Your permission will be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the health care professional is unable to ask you and this is deemed to be in your best interests, the reason for access will then be logged. Records and their access are audited by nominated privacy officers, on a regular basis to ensure compliance.

***If you wish to opt-out of My Care Record please return a completed opt-out form to the practice.***

### **Local information sharing – Specialist service teams**

This Practice works with specialist health and social care service teams such as the diabetes and Locality Integrated Teams, to provide safe and joined up services in Buckinghamshire. The shared My Care Record provides authorised health and social care staff with access to relevant information, which helps them to make informed, timely decisions about your care and treatment and for new information to be instantly updated in your record. Access is strictly controlled by your practice.

***If you do not wish your data to be shared with the specialist service teams please let us know so we can code your record appropriately.***

### **Keeping data safe in the future**

We will approach the longer term management of our patient records in line with the [Records Management NHS Code of Practice for Health and Social Care](#). This sets out the required standards of practice for managing the records that staff working within or under contract to NHS organisations in England must follow; and it is based on current legal requirements and professional best practice.

### **Who are our partner organisations?**

All organisations that we work with are subject to strict data sharing agreements which set out how data will be used; which form part of their contractual obligations. The sort of organisations we work with are as follows:-

- NHS trusts
- GP Federations
- Independent contractors such as dentists, opticians, pharmacists – working to an NHS contract
- Private sector or voluntary sector providers – working to NHS contracts.
- Ambulance services
- Clinical commissioning groups
- Social care providers
- Local authorities
- Education services
- Fire and Rescue Services

- Police

We will never share your information outside of health and social care partner organisations without your explicit consent, unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it.

Within the health partner organisations (NHS and Specialist Trusts) and in relation to the above mentioned themes – Risk Stratification, Invoice Validation, Supporting Medicines Management, Summary Care Record – we will assume you are happy to for your information to be shared unless you choose to opt-out (see page 7).

This means you will need to express an explicit wish not to have your information shared with the other NHS organisations; otherwise they will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

## Your right to withdraw consent for us to share your personal information (Opt-Out)

If you are happy for your data to be shared and used for the purposes described in this Privacy Notice then you do not need to do anything.

If you do NOT want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances as already outlined, we may still be legally required to disclose your data.

There are two main types of opt-out for sharing personal information ‘beyond your direct care’

### **Type 1 Opt-Out**

If you do not want information that identifies you to be shared outside your GP practice, for purposes beyond your direct care you can register a type 1 opt-out with your GP practice. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

For more information about Type 1 Opt-Outs please see:

<https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information/your-information-choices/opting-out-of-sharing-your-confidential-patient-information>

### **Type 2 Opt-Out**

**NHS Digital** collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a ‘Type 2 Opt-Out’.

For further information about Type 2 Opt-Outs, please contact NHS Digital Contact Centre at [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk) referencing 'Type 2 Opt-Outs – Data Requests' in the subject line; or call NHS Digital on (0300) 303 5678; or visit the website <http://content.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

If you wish to discuss or change your opt-out preferences at any time please contact the practice manager.

NHS Digital is developing a new system to give you more control over how your identifiable information is used. We will tell you more once details are released.

### **Access to your information**

Under Data Protection legislation everybody has the right to see, or have a copy; of data we hold that can identify you and to have it amended or removed should it be inaccurate. You do not need to give a reason to see your data. If you want to access your data you must make the request in writing.

If you wish to have a copy of the information we hold about you please contact:  
Steve Benjamin, Practice Manager, Water Meadow Surgery

### **Change of Details**

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

### **Mobile telephone number**

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

### **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.

This practice is 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)

A 'data controller' determines the purposes and means of processing personal data.

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

### **Complaints**

If you have concerns or are unhappy about any of our services, please contact:

Steve Benjamin, Practice Manager, Water Meadow Surgery

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: [www.ico.gov.uk](http://www.ico.gov.uk)

## Further Information

Further information about the way in which the NHS uses personal information and your rights in that respect can be found at the NHS Care Record Guarantee, information below.

### 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 programmes 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>

### NHS Digital

NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.

<http://content.digital.nhs.uk/article/4963/What-we-collect>

## Reviews of and Changes to our Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in May 2018.