

# Kirby Road Surgery Fair Processing Notice

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## How we use your information

This privacy notice explains why the GP Practice collects information about you, and how that information may be used.

As data controllers, GPs have fair processing responsibilities under the Data Protection Act 1998 and the General Data Protection Act. In practice, this means ensuring that your personal confidential data (PCD) is handled in ways that are transparent and that you would reasonably expect. The Health and Social Care Act 2012 changed the way that personal confidential data are processed, therefore it is important that patients are made aware of, and understand these changes and that you have an opportunity to object and know how to do so.

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received within the NHS (e.g. NHS Hospital Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be processed electronically, on paper or a mixture of both, and a combination of working practices and technology are used to ensure that your information is kept confidential and secure. Records held by this GP Practice may include the following information:

- Details about you, such as address and next of kin
- 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, etc.
- Relevant information from other health professionals, relatives or those who care for you

The Practice collects and holds data for the sole purpose of providing healthcare services to our patients and we will ensure that the information is kept confidential. We can disclose personal information if:

- It is required by law or has been approved under section 251 of the *National Health Service Act 2006*
- You consent – either implicitly or for the sake of their own care or explicitly for other purposes
- It is justified in the public interest

We will however always endeavour to inform you where possible if information has been disclosed without your consent.

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

On some occasions it may be necessary to undertake clinical audits of records to ensure that the best possible care has been provided to you or to prevent the spread of infectious disease, wherever possible this will be done in anonymised form.

Sometimes your information may be requested to be used for research purposes – the Practice will always gain your consent before releasing the information.

Under the powers of the Health and Social Care Act 2012 (HSCA) the Health and Social Care Information Centre (HSCIC) can request Personal Confidential Data (PCD) from GP Practices without seeking patient consent. Any patient can choose to withdraw their consent to their data being used in this way. When the Practice is about to participate in any new data-sharing scheme we will make patients aware by displaying prominent notices in the surgery and on our website. We will also explain clearly what you have to do to 'opt-out' of each new scheme.

A patient can object to their personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

### **Risk Stratification**

Risk stratification is a process for identifying and managing patients who are frail and at high risk of emergency hospital admission and falls. Typically this is because patients are elderly and/or have a long term condition such as COPD or cancer. Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. NHS England encourages GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help prevent avoidable admissions.

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 de-identified information using software as the data processor and is only provided back to your GP or member of your care team as data controller in an identifiable form. Risk stratification enables your GP to focus on the preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services.

Please note that you have the right to opt out of Risk Stratification.

Should you have any concerns about how your information is managed, or wish to opt out of any data collection at the Practice, please contact the Practice Manager or your healthcare professional to discuss how the disclosure of your personal information can be limited. Patients have the right to change their minds and reverse a previous decision. Please contact the practice if you change your mind regarding any previous choice.

### **Invoice Validation**

If you have received treatment within the NHS, the CCG may require access to your personal information in order to determine which Clinical Commissioning Group should pay for the treatment or procedure you have received.

Information such as your name, address and date of treatment may be passed on to enable the billing process. These details are held in a secure environment and kept confidential. This information will only be used to validate invoices, and will not be shared for any further Commissioning purposes.

### **NHS Health Checks**

All of our patients aged 40-74 not previously diagnosed with specified Long Term Diseases are eligible to be invited for an NHS Health Check. We may invite you for an appointment directly or by using Health Intelligence Ltd who work entirely under our direction and who will contact you for this purpose only. Nobody outside the healthcare team in the practice will see confidential information about you during the invitation process and contact details only would be securely transferred to Health Intelligence Ltd if that method was employed. You may be offered to attend your health check within the practice or at a community venue. If your health check is at a community venue all data collected will be securely transferred back into the practice system and nobody outside the healthcare team in the practice will see confidential information about you during this process.

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

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

- Data Protection Act 1998
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

All of our staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role and is strictly on a need-to-know basis.

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 (i.e. life or death situations),
- or where the law requires information to be passed on
- or in accordance with the new information sharing principle following Dame Fiona Caldicott's information sharing review (Information to share or not to share) where *"The duty to share information can be as important as the duty to protect patient confidentiality."* This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

### **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
- Clinical Commissioning Groups
- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police and Judicial services
- Health and Social Care Information Centre (HSCIC)
- Other 'data processors' during specific project work, eg Diabetes UK

In terms of our specific area of Bedfordshire, Luton and Milton Keynes the specific organisations we may share information with include:

- General Practice Surgeries with BLMK
- Bedfordshire Clinical Commissioning Group
- Luton Clinical Commissioning Group
- Milton Keynes Clinical Commissioning Group
- Bedford Borough Council
- Central Bedfordshire Council
- Luton Borough Council
- Milton Keynes Council
- Bedford Hospital
- Luton & Dunstable University Hospital
- Milton Keynes University Hospital
- Cambridgeshire Community Services
- Central and North West London
- East London NHS Foundation Trust
- East of England Ambulance Service
- South Central Ambulance Service
- Essex Partnership University Foundation Trust (EPUT)
- Third Sector Organisations as appropriate

### **Access to personal information**

You have a right under the Data Protection Act 1998 to access/view information the Practice 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 Manager in writing.

- Your request must be made in writing to the GP – for information from the hospital you should write direct to them
- There may be a charge to have a printed copy of the information held about you
- We are required to respond to you within 28 days

- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located

Any changes to this notice will be published on our website and on the Practice notice board.

### **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 such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

### **Objections / Complaints**

Should you have any concerns about how your information is managed at the GP, please contact the GP Practice Manager. If you are still unhappy following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) via their website ([www.ico.gov.uk](http://www.ico.gov.uk)).

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

### **Opting out and how the NHS and care services use your information**

Patients can advise their care provider if they don't want their information to be made available to other providers involved in their care and treatment. (opting out).

Patients can opt out of sharing their record. It is their choice but allowing access to their medical and social care information which was previously shared by letter will make it easier to provide the best quality care and support.

Kirby Road is one of many organisations working in the health and care system to improve care for patients and the public.

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.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://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

You can also find out more about how patient information is used at: <https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information.

### **Further information**

Further information about the way in which the NHS uses personal information and your rights in that respect can be found in:

The NHS Care Record Guarantee: <http://www.nigb.nhs.uk/pubs/nhscrg.pdf>

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

The HSCIC Guide to Confidentiality gives more information on the rules around information sharing : <http://content.digital.nhs.uk/media/12822/Guide-to-confidentiality-in-health-and-social-care/pdf/HSCIC-guide-to-confidentiality.pdf>

An independent review of information about patients is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, Information: To share or not to share? The Information Governance Review, be found at: <https://www.gov.uk/government/publications/the-information-governance-review>

NHS England – Data Services for Commissioners provides further information about the data flowing within the NHS to support commissioning. <https://www.england.nhs.uk/ourwork/tsd/data-services/>

Please visit the Health and Social Care Information Centre’s website for further information about their work. Information about their responsibility for collecting data from across the health and social care system can be found at: <http://www.hscic.gov.uk/collectingdata>

The Information Commissioner’s Office is the Regulator for the Data Protection Act 1998 and offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the Information Commissioner’s Office website at <https://ico.org.uk/>.

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