BENBECULA MEDICAL PRACTICE

DATA PROTECTION & PRIVACY NOTICE

# INTRODUCTION

We take data protection seriously at Benbecula Medical Practice. This notice aims to explain how we collect, use, retain and disclose your personal information. It provides assurance that we have all relevant processes and procedures in place to protect your information. If you have any questions or concerns after reading this notice, please contact the surgery.

# What is a Privacy Notice?

Our privacy notice is a statement that describes how Benbecula Medical Practice collects, uses, retains and discloses your personal information. Different organisations sometimes use different terms and it can be referred to as a privacy statement, a fair processing notice or a privacy policy. Our privacy notice is on display in the waiting rooms and on our website.

# Who we are:

For the purposes of the Data Protection Act 1998, Benbecula Medical Practice is registered with the Information Commissioners Office. The practice is responsible for deciding why and how to collect and process your personal data. Everyone who works at the practice is a data processer, and the practice manager is the data controller on behalf of the practice.

To ensure that we process your personal data fairly and lawfully we are required to inform you why we need your data, how it will be used and with whom it may be shared.

# What is GDPR?

The Data Protection Act 1998 was superseded by the General Data Protection Regulation (GDPR) on the 25th of May 2018. The aim of the GDPR is to standardise Data Protection Regulations across Europe. These new rules are similar to the Data Protection Act but further strengthen rights and empower individuals. GDPR gives you more control over your personal data, bringing a new age of compliance and accountability.

General Data Protection Regulation (GDPR) states those who record and process personal information must be open about how the information is used, and must ensure personal data is:

**1. Processed lawfully, fairly and in a transparent manner**

**2. Collected for specific, lawful and legitimate purposes**

**3. Adequate, relevant and limited to what is necessary for the purpose**

**4. Accurate and up to date**

**5. Kept for no longer than necessary**

**6. Protected and processed securely**

# Who does this apply to?

This policy notice applies to you if you are registered as a patient at Benbecula Medical Practice. We also hold separate relevant data for employees of the practice.

# How is your personal information collected by the Practice?

Most of the information that the practice holds for you will be collected at the point of registration with the Practice, and subsequently when we receive your medical record from your previous registered Practice. Whilst you remain registered with the Benbecula Medical Practice, we may gather and hold further information:

* Personal details about you, your name, date of birth, address, landline and/or mobile telephone

Numbers, email address, carer information, legal representative, emergency contact, Next of Kin details

* Any contact the Practice has had with you, such as letters, appointments, home visits, telephone consultations, 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.

This may also include contacts from:

* Community Teams (e.g. Community Nurses, Health Visitors)
* Hospital clinic visits, A & E attendances
* Out of Hours Contacts including Ambulance Records
* Attendance at Specialised Clinics
* Voluntary/third sector organisations

For employees:

* Personal details about you: your name, date of birth, address, landline and/or mobile telephone

Numbers, email address.

* Details of your qualifications and training
* Your contract details, a record of your employment and appraisal records
* Payroll and pension details.

# Information about our use of cookies:

Our practice website uses cookies. A cookie is a small file (typically letters and numbers) which may be placed on your computer when you access our website. A cookie cannot read your computer’s hard disk or make any information available to third parties. Through the cookies, our web designers can measure browsing activity if you return to the website, allowing them to provide you with a better service.

You are able to manage cookies. If you want to block all cookies all of the time you can set your computer preferences to do so.

Our website does not require you to input personal data to use it. You may however volunteer personal data such as your name and email address to request information, updates and our services. That information is required to deal with your query appropriately.

# How your information is used:

* The Practice handles medical records according to the laws on Data Protection and Confidentiality
* While you are registered with the practice, we will keep records of your health and care.
* We share medical records with other health and care professionals when they are involved in providing you with care and treatment. This is on a 'need to know' basis and determined event by event.
* We will use your data to communicate with you about your appointments and medical care, by telephone, email or letter
* We may share some of your data with local Out of Hours / urgent or emergency care service e.g. for an Emergency Care Summary, and the Ambulance Service. Data about medication is shared automatically, unless you opt out. We will check with you before we share other clinical information this way. This is called a Key Information Summary.
* Data about you is also used to manage National Screening Campaigns such as Flu, Cervical cytology, bowel screening and Diabetes prevention
* Anonymised data is used to make payments and plan services
* We share information when the law requires us to do, for instance when we are inspected or reporting certain illnesses or safeguarding vulnerable people
* Your data is used to check the quality of care provided by the NHS

The health and care professionals who provide you with care must maintain records about your health and any treatment or care you have received. This includes letters and results from other NHS bodies. These records help to provide you with the best possible healthcare. By registering with the practice for medical care, it is presumed that we keep records about your care.

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.

Data about your repeat medication is automatically copied to the Electronic Care Summary (ECS) which is required for out of hours (OOH) purposes e.g. when you are admitted to Hospital, or when the Ambulance crew in attendance. You can opt out of this. We can add to this by using a Key Information Summary (KIS). This can only set up with your consent, and includes essential information about your health only.

Data about you is used to manage national screening campaigns such as Flu immunisations, cervical cytology, management of diabetes and bowel screening.

Information held about you may be used to help protect the health of the public and to help us manage GP services. For example, if you have a contagious illness, this will be shared with the public health department.

Information may be used within the GP practice for clinical audit to monitor the quality of the service provided.

Some information may 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 Practice will always gain your consent before releasing the information for this.

# Healthcare Planning and Risk Stratification

Future Healthcare Planning and Risk Stratification data tools are increasingly being used in the NHS to help identify patients who are at risk of becoming unwell, and those for whom a review may prevent an unplanned admission or re-admission.

Using only reference numbers (CHI numbers), information about you is collected from a number of sources including the practice, as well as any hospital admissions. NHS Scotland then use a program to generate a risk score. The risk scores are stratified, and a list is made of those patients at highest risk. The reference numbers are then sent back to the practice. Risk stratification enables your GP to focus on 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 your data being used in this way at any time.

# Medicines Management

The Practice conducts Medicines Management Reviews of medications prescribed to patients. This ensures that patients receive the most appropriate, up to date and cost effective treatments. When there are any alerts about particular treatments, then we use the database to work out which patients might be affected. This work is carried out by practice doctors and nurses and an NHS Western Isles Pharmacist who is attached to the practice.

# What laws are relevant to the handling of personal information?

The Scottish, UK and European law determines how organisations can use personal information. The key legislations and guidance governing the use of information are listed below:

* European Data Protection Regulation
* The Data Protection Act 1998
* The Human Rights Act 1998
* Freedom of Information (Scotland) Act 2002
* Computer Misuse Act 1998
* Access to Health Records Act 1990
* Common law Duty of Confidentiality
* NHS Codes of Practice

# Consent, Data Processing and Data Sharing:

For most purposes, we will only process your information with your consent. All patients have the right to withdraw their consent at any time. There will be rare occasions when information will be shared without consent, particularly to protect vulnerable adults and children, to prevent serious crime or to protect public health.

Where consent is required and a patient lacks the capacity to consent, a legal representative, power of attorney, parent or legal guardian may consent on their behalf. Your clinician or care provider will discuss with you the reasons for this. There are specific and clearly defined circumstances where we are required by law to share information which can identify you.

**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).

 “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 be able to share information in the best interests of their patients within the framework set out by the Caldecott principles. They will be supported by the policies of their employers, regulators and professional bodies.

# Who are our partner organisations?

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

• NHS Health Boards/Trusts/Foundation Trusts

• Other General Practitioners (GPs)

• Independent Contractors such as Dentists, Opticians, Pharmacists

• Private Sector Health & Social Care Providers

• Voluntary Sector Providers

• Ambulance Trusts

• Social Care Services

• Integrated Health and Social Care Providers

• Local Authorities

• Education Services

• Fire and Rescue Services

• Police & Judicial Services

• Other ‘data processors’: you will be informed of prior to any agreements commencing

You will be informed who your data will be shared with. In many cases you will be asked for explicit consent for this happen when this is required.

# Access to personal information:

You have a right under the Data Protection Act 1998 to request access to view or to obtain copies of what information the Practice holds about you and to have it amended should it be inaccurate. In order to request this, you need to do the following:

Your request should be made to the Practice Manager. This should be done in writing or in person. In order to locate your records we may ask you to complete a form that clearly identifies you and allows you to specify what information you require. You may also be asked for a form of photographic ID to confirm your identity.

Your right is to the data relating to you and you only, and not necessarily the record itself which can, where appropriate, be redacted if third parties are named. You can authorise someone else to make the application on your behalf. If you have parental responsibilities you may make an application to see your child’s notes.

There may be an administrative fee for requests of copies of medical records. This may vary depending on the volume of administrative work required to copy the record for you. Requests for access to medical records should be completed within one month of receipt of request.

Maintaining the confidentiality and security of personal information is of utmost importance to Benbecula Medical Practice. No copies of information will be sent using external mail unless this has been arranged in advance with the Practice Manager and in these circumstances Recorded Delivery will be used.

Requests for information held by other health care providers should be made direct to the individual provider – e.g. Hospitals, Dentists, and Opticians etc.

# Data Confidentiality and Data Security:

* Benbecula Medical Practice is committed to taking all reasonable measures to ensure the confidentiality and security of sensitive personal data for which we are responsible, whether computerised or on paper
* All patients or service users have the right to be informed if they have been involved in a personal data breach
* All staff are required to undertake annual information governance training and to be familiar with information governance policies and procedures
* Everyone working for the practice is subject to the NHS Code of Confidentiality
* Information provided in confidence will only be used for the purposes advised and consented to by the service user, unless required or permitted by the law

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.

# What if I believe data held about me is incorrect or inaccurate?

If at any time you feel information held by Benbecula Medical Practice relating to you is incorrect, please notify us and this will be investigated.

You may exercise your right to object to data being processed if you believe data about you is being collected, processed or shared unlawfully, and whilst this is investigated, it may be restricted until a decision is made. On investigation, it is the responsibility of Benbecula Medical Practice to justify why we are continuing to process the data or if the objection will be upheld.

You have the right to withdraw your consent to data processing and usage at any time.

You also have the right to object to direct marketing at any time and ask for it to stop. Benbecula Medical Practice does not sell goods or services and your information will never be passed on to a third party without your explicit consent.

# How can I remove my information from your records/systems?

The **General Data Protection Regulations** give you the right to request the erasure of data. In a health care setting, it would be uncommon for such a request to be approved as the risks associated with removal or deletion of health information could harm or endanger a patient or staff member. Patients’ records also become legal documents in some cases, and Benbecula Medical Practice has a legal obligation under employment contracts and various legislations to retain all documentation.

# For how long do we keep your health information?

Benbecula Medical Practice uses the retention schedules contained in Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012 or subsequent guidance issued. The table below lists a subset of the retention periods defined by Scottish Government, and adhered to by NHS Western Isles.

If you leave the area and register with another practice, your records move to the new practice. Any digital records are stored as below.

|  |  |
| --- | --- |
| Record Type | Record Retention Period |
| GP Medical Record  | For the patient’s lifetime and 3 years after the patient’s death, including the year of death |

The full Scottish Government retention schedule for all types of information held (Board, Administrative, Financial, Medical, etc.) can be found here: <http://www.gov.scot/Publications/2012/01/10143104/7>

Should you have any concerns about how your information is managed by the Practice please contact the Practice Manager at:

Benbecula Medical Practice

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Benbecula

Western Isles

HS7 5QA

Tel: 01870 602215

benbecula.wi@nhs.net

If you are still unhappy following a review by the Practice you can contact the Information Commissioners Office (ICO). www.ico.org.uk, casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745

10th August 2018