

## Privacy Notice (Including special provisions under the Covid-19 pandemic)

### Background

This practice's primary purpose is to provide the best care possible for you. In order to do this, we need to collect, store and share information about you.

This privacy notice is designed to explain what happens to any personal data that you give us or any information concerning you that is collected by other organisations, for instance, if you attend an Accident and Emergency department. This includes how your data is held and/or processed by us.

This notice includes:

- Who we are and how we use your information
- The kinds of information we hold and how we process them
- The legal grounds for processing your personal data, including when it is shared with others
- What to do if your personal information changes
- The length of time that your information is stored and retained by us
- Information about your rights under the 2018 Data Protection Act incorporating the UK General Data Protection Regulations (GDPR)
- Information about what to do if you have a query or problem

Under the 2018 Data Protection Act incorporating the UK General Data Protection Regulation – (GDPR) the practice is known as the Data Controller. As such, we are responsible for keeping your data up to date and accurate, as well as storing it safely and sharing it securely. If you have a problem or a question regarding your data, you should contact the Practice Manager in the first instance. Should your issue be unresolved, the Act stipulates also that public sector organisations should provide access to an independent Data Protection Officer and their contact details are provided in the summary below.

### The information we hold on you

Our practice keeps data on you relating to who you are, where you live, your contact details, your family, details of your occupation -if any – and, possibly, your employers, your lifestyle, your health problems and diagnoses, the reasons you seek help, as well, at your appointments. Your record also contains details if you have a carer, where you are seen, when you are seen, and who by: as well as all referrals to specialists and other health and social care 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 health care workers, within and without the NHS as well as comments and aide memoires reasonably made by health and care professionals in this practice who are appropriately involved in your health care. All of this data helps us in providing you with the best possible care, and, as quickly as possible in an emergency.

All health related data is seen as 'special category' or 'sensitive data' under the 2018 Data Protection Act which means that it is shared and processed with particular care. This applies to your data whether it is in electronic formats or on paper.

When registering for NHS care, all patients who eligible for NHS care receive a unique NHS Number and are registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data in the public interest.

## Why we hold and process your data

We hold and process your personal data in order to provide you with direct care. Together with anonymised and pseudonymised patient data (in other words data that cannot be used to identify you) your personal data is also used to:

- Improve the quality and standard of care that we and other organisations provide;
- Evaluate existing services;
- Developing preventative treatment of illness and disease;
- Monitoring standards of patient safety
- Act in the public interest as legally directed – for instance, in times of pandemic

You also have a choice over whether you wish to use your confidential data – i.e. data that CAN be traced back to you for purposes of:

- Researching and developing new treatments;
- Planning future services in the locality.

If you are content with this then you do not need to do anything. If you are not sure or wish to opt out, please see section on **Opting-Out of Research and Planning** below.

## Special Provisions during the Covid 19 pandemic

The NHS faces continued severe pressure during the pandemic. This makes it even more important to share health and care data across relevant organisations.

Using Regulation 3 (4) of the Health Service (Control of Patient Information) Regulations 2002 and related legislation, the Secretary of State for Health has issued a notice (the COPI notice) that requires health organisations including GP surgeries, local authorities and government bodies to share confidential patient information for the duration of the pandemic. There are new services and information flows that have been set up to manage the outbreak. For instance, this practice is part of a Primary Care Network and a GP Federation. As such, it collaborates to deliver COVID vaccinations and treatments in this area and is part of a 'buddy system' so that if its staff are so affected by the virus, that the practice cannot operate, colleagues from other practices and other organisations can still provide you with care.

All patients registered with a GP have a Summary Care Record (SCR) unless they have chosen not to have one. This record gives professionals in the healthcare system away from your practice access to your key information when you need it. If you have previously expressed a preference to only have core information shared in the Summary Care Record or to opt out of the SCR completely, these preferences will be respected during the period of the COPI notice. For all other patients, the SCR will be used to share additional information as required. New opt-out requests and changes to your opt-out preferences will be suspended and not processed for the duration of the pandemic.

Automated processing of data will be used to identify vulnerable patients and patients needing to be shielded.

NHS England and NHS Improvement and NHSX have developed a single, secure data-store to gather data from across the health and care system to manage and inform the Covid 19 response.

Any data-flows used to share data specifically to manage Covid 19 during the pandemic will cease once the COPI notice is withdrawn, unless a full Data Protection Impact Assessment is completed.

Because of the importance of sharing data for us all (defined as "public interest" under the 2018 Data Protection Act) any patient opt-out including the National Data Opt-out will not apply during the COPI notice period. It may also take the practice longer to respond to Data Subject Access Requests (DSARs) than the stipulated one calendar month - the Information Commissioner's Office has recognised the pressure the pandemic has placed upon GP surgeries.

## Who do we share information with

As GPs, we cannot provide all your treatment ourselves, so we need to delegate this responsibility to others within the practice and with other organisations such as pharmacies or hospitals. This practice also pools resources with other primary care organisations in the area, including providing extended access services out of normal practice hours, or to provide other specialist clinics. Such services may be provided as part of our local Primary Care Network (PCN) or in conjunction with other PCNs and our partners in secondary health care and in social care. These will include Sutton Health & Care, the Sutton Virtual Ward and the Sutton Wellbeing Hub.

As such, if your care requires treatment outside the practice, we will exchange with those providing such care and treatment whatever information may be necessary to provide you with safe, high quality care. The practice also delivers services and treatment to our patients as part of, and in association with local primary care networks and beyond.

Once you have seen any outside care provider, they will normally send us details of the care they have provided you with, so that we can understand and support your health and treatment better and update your health care record.

The sharing of personal data, within the practice and with those other organisations involving the practice, such as Primary Care Networks (PCNs) as well as secondary care organisations and social prescribing organisations is assumed and is allowed by law (including the Data Protection Act 2018). However, we will gladly discuss this with you in more detail if you would like to know more. We keep a register of our Information Assets which also sets out a Record of Processing Activity. The majority of patient data processing and storage happens via our EMIS and EMIS Community patient record systems.

We have an overriding responsibility to do what is in your best interests under the 2018 Data Protection Act 'in performance of a public task' (see legal bases in the summary below). The Practice team (clinicians, administration and reception staff) only access the information they need to allow them to perform their function and fulfil their roles. A list of the types of organisation we share with is provided below. This summary also contains details of your rights in relation to your data under the Act and how to exercise them.

We do also share anonymised data across our Primary Care Network, the South West Clinical Commissioning Group, Sutton GP Services, Sutton PCNs, Sutton Health & Care, London Integrated Care Systems and NHS England. This data is extracted by secure data extraction tools such as EMIS Enterprise and/or Apollo.

This practice does **NOT** share your data with insurance companies or solicitors, except by your specific instruction or consent.

Your data is **NOT** shared or sold for any marketing purpose.

## Communication with Our Patients

The practice will use your contact details in order to inform you of progress in your treatment or to work with you in managing your health. Because we can communicate and get data to you more quickly and more securely, we prefer to use email and text messaging services. **Please ensure that we always have your current, up to date, email address and mobile telephone number so that we can do this.** If you would prefer us NOT to communicate with you in these ways, please let us know.

If you have downloaded the NHS app (or other similar app), we may also use this to communicate with you and to update your referrals etc.

## **Safeguarding and the Caldicott Guardian**

The practice is dedicated to safeguarding all its patients, including children and vulnerable adults. This means that information will be shared by the practice in their best interests. Such decisions are the ultimate responsibility of the practice's Caldicott Guardian. The Caldicott Guardian is the senior person - always a doctor and often a partner within a practice- responsible for protecting the confidentiality of people's health and care information. The duty to share data for the benefit of individuals can be more important as the duty to protect patient confidentiality, and actions taken as a result of safeguarding concerns will override data protection. The decision of the Caldicott Guardian is final and there is no appeal process.

## **Medical Audits and Medicines Management**

The practice will conduct audits of its services and treatment as well as reviews of medicines prescribed to its patients. Reviews of patient data are necessary to allow us to monitor, test and update our services and prescribing to ensure that you receive the most appropriate and cost-effective treatments. These reviews may take the form of internal audits or those conducted by other commissioned healthcare organisations such as the local Medicine Management Team.

## **Automated Data Processing and Risk Stratification**

Electronic tools of prediction, based upon algorithms and artificial intelligence are used within the NHS to determine a patient's future risks and treatment needs. Wherever we can, we want to prevent admissions to A&E and secondary care which would be otherwise necessary. Such preventative care may, for instance, use these tools to determine the risk and consequence of a future fall in an elderly patient. Under Covid 19 these tools are being used to identify vulnerable patients and patients who need to be shielded.

However, under the 2018 Data Protection Act, when the COPI notice described above is withdrawn, you do have the right to opt out of having your data processed in such automated ways. If you wish to opt out, please contact the practice.

## **Research and Planning**

The practice takes part in research that uses anonymised or pseudonymised data. This means that patient data cannot be traced back to individuals and is therefore no longer personal data under the 2018 Data Protection Act.

Anonymised or pseudonymised patient data held by the practice may also be used to evaluate present services that provide direct care or to plan future ones within the practice or across the local area.

Identifiable patient data can be used in planning and managing the response of the NHS, nationally, to the Covid 19 virus. This will continue until the COPI notice above is withdrawn.

Sometimes, the practice is contacted to ask whether its patients would consider taking part in research on a particular condition. In all such cases, where the data used would identify individual

patients, data can only be used where patients have given their consent and you will be contacted accordingly. Such research projects take place in secure research environments where data protection and data security keep patient data safe, but you have the right to choose not to have your personally identifiable data used in this way (see below).

## **Data Opt-Outs (The National Data Opt-out) and Your Right to Object.**

You cannot opt-out of your data being shared for the purposes of providing you with direct care. You can exercise your right to object to a specific process involving your data. If you wish to do this for data processed at this practice then you must contact the practice's Data Protection Officer at [miles.dagnall@jem-gdpr.co.uk](mailto:miles.dagnall@jem-gdpr.co.uk).

You can opt-out from having your confidential data (i.e. data that can identify you) being used for purposes beyond direct care, such as research and planning. To do this, you can check or change your preferences at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters) on-line and follow the instructions if you wish to opt out. This opt-out is recorded against your NHS number on the NHS 'spine'.

There are some situations where your data will be shared in addition to providing you with direct care. These include:

- Situations where data is needed in the "public interest", e.g in cases of epidemic where communicable diseases need to be diagnosed and the spread of their infection prevented or controlled;
- To monitor and deliver vaccination programmes
- To manage risks of infection from food or water supplies or the environment.

You can find out more about how your patient information is used at <https://www.hra.nhs.uk/information-about-patients/> and <https://understandingpatientdata.org.uk/what-you-need-know/>.

This practice is compliant with the national data opt-out policy.

## **How is your information stored?**

The practice stores the main patient record via a contracted data processor in the cloud. The contracted processor for the practice is Egton Medical Information Systems (EMIS). They can be contacted via EMIS, Rawdon House, Green Lane, Yeadon, Leeds LS19 7BY.

## **How long is the information retained?**


The medical record is retained at the patient's practice for the lifetime of the patient, after which it is presently sent to Primary Care Services England (PCSE). If you move to another practice your records will be transferred to that practice.

## Summary

Data Controller	Carshalton Fields Surgery
Data Protection Officer	Miles Dagnall Miles.dagnall@jem-gdpr.co.uk
Purpose of Processing your personal information	<p>Direct Care delivered to an individual patient, much of which is provided in the surgery.</p> <p>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.</p> <p>The information that is shared is to enable the other healthcare and social care professionals to provide the most appropriate advice, investigations, treatments, therapies and or care.</p>
Lawful Basis for Processing your personal information	<p>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:</p> <p>Article 6 (1) (c) – the processing is necessary for compliance with a legal obligation to which the controller (the practice is subject) and/or</p> <p>Article 6(1)(e) ‘...the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</p> <p>Health data is defined as a special kind of personal data and is also processed by the practice under</p> <p>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..’</p> <p>The sharing of your personal data also takes place in accordance with the common law duty of confidentiality. Performance of this duty does not require consent from the patient where the proposed use of their data is either for individual care or in the public interest.</p>

Recipient or categories of recipients of your personal data

According to the particular course of treatment, your 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. These will include:

- GPs
- Hospitals
- Primary Care Network
- Local GP provider organisation
- NHS Commissioning Support Units
- Social Care Services  Health and Social Care Information Centre (HSCIC)
- Clinical Excellence Group
- Community Pharmacists
- District Nurses
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- London Integrated Care Systems
- Clinical Commissioning Groups
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- The Child Health Information Service
- Substance Misuse Remote Workers
- London Coroner's Service
- Wellbeing coaches
- Care co-ordinators
- Voluntary Sector Providers
- Private Sector Providers
- Social Prescribers

Many organisations across London share an aggregated summary view of your data, held in a secure Health Information Exchange and using a Local Health Care Exemplar format known as the One London patient record, in order to make quicker and better informed decisions in providing you with care.

This practice is also part of a Neighbourhood Multi-Disciplinary Team based upon the Wallington Primary Care Network designed to bring



	<p>together a number of service providers to help patients with more than one need.</p>
Your right to object	<p>You have the right to object to some or all of the information being processed, which is detailed under Article 21. Exercising your right to object may well prevent the referral or course of treatment from going ahead.</p> <p>Please contact the Data Protection Officer on <a href="mailto:miles.dagnall@jem-gdpr.co.uk">miles.dagnall@jem-gdpr.co.uk</a></p> <p>You should be aware that this is a right to raise an objection, which is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
Your right to access and correction	<p>You have the right to access your data and to have any inaccuracies corrected.</p> <p>There is no right to have medical records deleted except when ordered by a court of Law.</p>
How long do we hold your personal data for?	<p>We retain your personal data in line with both national guidance and law, which can be found here:</p> <p><a href="https://www.nhs.uk/information-governance/guidance/records-management-code/">https://www.nhs.uk/information-governance/guidance/records-management-code/</a></p>
Your right to complain	<p>If you have a question or wish to complain about the use of your data, you should approach the Practice Manager in the first instance or contact the Data Protection Officer at:</p> <p><a href="mailto:miles.dagnall@jem-gdpr.co.uk">miles.dagnall@jem-gdpr.co.uk</a></p> <p>The use of personal data is overseen by the Information Commissioners Office, often known as the ICO.</p> <p>If you wish to complain or raise a concern with the ICO, they can be contacted via their website: <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>Or you can also call their helpline</p> <p>Tel: 0303 123 1113 (local rate)</p> <p>01625 545 745 (national rate)</p> <p>Or you can write to them at</p> <p>The ICO, Wycliffe House, Water Ln, Wilmslow SK9 5AF</p>

<b>Version:</b>	<b>Date:</b>	<b>Author:</b>	<b>Comments:</b>
1.0	01/06/2018	Trevor de Sá	Initial version
2.0	19/05/2020	Trevor de Sá	Rewritten to consolidate all privacy notices into one document and to include COVID-19 requirements
3.0	01/05/2022	Trevor de Sá	Reviewed. Minor corrections