

THE LYNDHURST SURGERY

GENERAL DATA PROTECTION
REGULATION

PRIVACY NOTICE 1 – GDPR

How we use your medical records Important information for patients

- This practice handles medical records in-line with laws on data protection and confidentiality.
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- We share medical records with those who are involved in providing you with care and treatment.
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- In some circumstances we will also share medical records for medical research, for example to find out more about why people get ill.
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- We share information when the law requires us to do so, for example, to prevent infectious diseases from spreading or to check the care being provided to you is safe.

Processors of personal data

- In order to deliver the best possible service, the practice contracts Processors to process personal data, including patient data on our behalf.
- When we use a Processor to process personal data we will always have an appropriate legal agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by a Processor include:
 - a. Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services and document management services.
 - b. Delivery services (for example if we were to arrange for delivery of any medicines to you).
 - c. Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

- You have the right to be given a copy of your medical record.
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- You have the right to object to your medical records being shared with those who provide you with care.
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- You have the right to object to your information being used for medical research and to plan health services.
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- You have the right to have any mistakes corrected and to complain to the Information Commissioner's Office. Please see the practice privacy notice on the website or speak to a member of staff for more information about your rights.

PRIVACY NOTICE-2

Medical Research & National Clinical Audits

How your information is used for medical research and to measure the quality of care

Medical research

- The Lyndhurst Surgery shares information from medical records:
- to support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best;
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- we will also use your medical records to carry out research within the practice.
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- This is important because:
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- the use of information from GP medical records is very useful in developing new treatments and medicines;
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- medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.
- We share information with the following medical research organisations with your explicit consent or when the law allows:
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- National Diabetes Audit - <https://digital.nhs.uk/services/general-practice-gpcollections/service-information/national-diabetes-audit>
- You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object

Checking the quality of care - national clinical audits

- The Lyndhurst Surgery contributes to national clinical audits so that healthcare can be checked and reviewed.
- Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
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- The results of the checks or audits can show where hospitals are doing well and where they need to improve.
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- The results of the checks or audits are used to recommend improvements to patient care.
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- Data are sent to NHS Digital, a national body with legal responsibilities to collect data.
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- The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.
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- We will only share your information for national clinical audits or checking purposes when the law allows.
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- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website: <https://www.hqip.org.uk/> or phone 020 7997 7370.
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- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object.

We are required by law to provide you with the following information about how we share your information for medical research purposes.

Data Controller contact details	<p>The Lyndhurst Surgery 53 Lyndhurst Drive Leyton, E10 6JB</p>
Data Protection Officer contact details	<p>Nosheen Sethi – Practice Manager PH: 02085391663</p>
Purpose of the processing	<p>Medical research and to check the quality of care which is given to patients (this is called national clinical audit).</p>
Lawful basis for processing	<p>The following sections of the GDPR mean that we can use medical records for research and to check the quality of care (national clinical audits)</p> <p>Article 6(1)(e) – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’.</p> <p>For medical research: there are two possible Article 9 conditions.</p> <p>Article 9(2)(a) – ‘the data subject has given explicit consent...’ Article 9(2)(j) – ‘processing is necessary for... scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’.</p> <p>To check the quality of care (clinical audit): Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>

<p>Recipient or categories of recipients of the processed data</p>	<p>For medical research the data will be shared with:</p> <p>National Diabetes Audit – https://digital.nhs.uk/services/general-practice-gpcollections/service-information/national-diabetes-audit</p> <p>For national clinical audits which check the quality of care the data will be shared with NHS Digital.</p>
<p>Rights to object and the national data opt-out</p>	<p>You have a right to object under the GDPR and the right to ‘opt-out’ under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of:</p> <p>information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.</p> <p>Please contact the practice if you wish to opt-out.</p> <p>To opt-out of your identifiable information being shared for medical research or to find out more about your opt out choices please go to NHS Digital’s website: https://digital.nhs.uk/ phone number for general enquires 0300 303 5678</p>
<p>Right to access and correct</p>	<ul style="list-style-type: none"> • You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the NHS Choices practice page https://www.nhs.uk/Services/gp/Overview/DefaultView.aspx?id=44193 • We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
<p>Retention period</p>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
<p>Right to complain</p>	<p>You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113</p>

PRIVACY NOTICE-3

Legal Requirements Data Sharing

- **How your information is shared so that this practice can meet legal requirements**
- The law requires The Lyndhurst Surgery to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:
 - plan and manage services;
 - check that the care being provided is safe;
 - prevent infectious diseases from spreading.
- We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.
- We must also share your information if a court of law orders us to do so.

NHS Digital

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.
- It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.
- This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
- More information about NHS Digital and how it uses information can be found at:
- <https://digital.nhs.uk/home>

Care Quality Commission (CQC)

- The CQC regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
- For more information about the CQC see: <http://www.cqc.org.uk/>

Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
- We will report the relevant information to local health protection team or Public Health England.
- For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

Data Controller contact details	The Lyndhurst Surgery 53 Lyndhurst Drive Leyton, E10 6JB
Data Protection Officer contact details	Nosheen Sethi – Practice Manager PH: 02085391663
Purpose of the processing	Compliance with legal obligations or court order.
Lawful basis for processing	The following sections of the GDPR mean that we can share information when the law tells us to. Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’ Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’
Recipient or categories of recipients of the processed data	<ul style="list-style-type: none">• The data will be shared with NHS Digital.• The data will be shared with the Care Quality Commission.• The data will be shared with our local health protection team or Public Health England.• The data will be shared with the court if ordered.

Rights to object and the national data opt-out

There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.

NHS Digital

- You have the right to object to information being shared with NHS Digital for reasons other than your own direct care.
- This is called a 'Type 1' objection – you can ask your practice to apply this code to your record.
- Please note: The 'Type 1' objection, however, will no longer be available after 2020.
- This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.
- The national data opt-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons.

To opt-out or to find out more about your opt-out choices please go to NHS Digital's website:

<https://digital.nhs.uk/services/national-data-opt-outprogramme>

Public health

- Legally information must be shared under public health legislation. This means that you are unable to object.

Care Quality Commission

- Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.

Court order

- Your information must be shared if it ordered by a court. This means that you are unable to object.

Right to access and correct	<ul style="list-style-type: none">• You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our 'subject access request' policy on the NHS Choices practice page https://www.nhs.uk/Services/gp/Overview/DefaultView.aspx?id=44193• We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
Retention period	GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or <u>speak to the practice.</u>
Right to complain	You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113

PRIVACY NOTICE-4- Screening Programmes

National screening programmes

- The NHS provides national screening programmes so that certain diseases can be detected at an early stage.
- These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.
- The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.
- More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the practice.

We are required by law to provide you with the following information about how we handle your information in relation to our legal obligations to share data.

Data Controller contact details	The Lyndhurst Surgery 53 Lyndhurst Drive Leyton, E10 6JB
Data Protection Officer contact details	Nosheen Sethi – Practice Manager PH: 02085391663
Purpose of the processing	<ul style="list-style-type: none"> • The NHS provides several national health screening programmes to detect diseases or conditions early such as cervical and breast cancer, aortic aneurysm and diabetes. • The information is shared so that the correct people are invited for screening. This means those who are most at risk can be offered treatment.
Lawful basis for processing	<p>The following sections of the GDPR allow us to contact patients for screening.</p> <p>Article 6(1)(e) – ‘processing is necessary...in the exercise of official authority vested in the controller...’</p> <p>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>
Recipient or categories of recipients of the processed data	<p>The data will be shared with:</p> <p>NHS Bowel Screening Programme NHS Breast Screening Programme Diabetic Eye Screening Cytology Screening</p>

Rights to object

For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme.
See: <https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes>

Or speak to your practice.

Right to access and correct

You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our 'subject access request' policy on the NHS Choices practice page <https://www.nhs.uk/Services/gp/Overview/DefaultView.aspx?id=44193>

- We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.

Retention period

GP medical records will be kept in line with the law and national guidance.
Information on how long records can be kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>
or speak to the practice.

Right to complain

You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call the helpline 0303 123 1113

Data we get from other organisations

We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.