

WELLHALL MEDICAL CENTRE

PRACTICE FAIR PROCESSING & PRIVACY NOTICE

Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how Wellhall Medical Centre will use your information for lawful purposes in order to deliver your care.

This notice reflects how we use information for: the management of patient records; communication concerning your clinical/social/supported care; ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review; participation in health and social care research; and the management and clinical planning of services to ensure that appropriate care is in place for our patients.

Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you.

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to the your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care: 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin, NHS number, CHI number. **And** Sensitive data such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Why do we collect this information?

The NHS Scotland 1978 Act and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in Scotland, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

How is the information collected?

Your information is collected either electronically using secure NHS Mail or a secure electronic transfer over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

Who will we share your information with?

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services
- Other NHS Agents including hospitals (both NHS and private), clinics as needed
- Out of Hours Service
- Local Social Services and Community Care Services
- Voluntary Support Organisations commissioned to provide services by Lanarkshire NHS
- Local Pharmacies

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

[In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve "out of hospital care".]

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

Consent and Objections

Do I need to give my consent?

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

What will happen if I withhold my consent or raise an objection?

You have the right to write to withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP Practice for further information and to raise your objection.

Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, CHI number, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise, Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or

- Review and amend provision of current health and social care services.

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

The Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems such as VISION, enable your record to be shared with organisations involved in your direct care, such as: GP practices; Community services such as district nurses, rehabilitation services, telehealth and out of hospital services; Child health services that undertake routine treatment or health screening; Urgent care organisations, minor injury units or out of hours services; Community hospitals; Palliative care hospitals; Care Homes; Mental Health Trusts; Hospitals; Social Care organisations and Pharmacies.

In addition, NHS Scotland has implemented the Emergency Care Summary which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Your Right of Access to Your Records

The DPA and GDPR allows you to find out what information is held about you. This is known as the “right of subject access”. If you would like to have access to all, or part of your records, you can make a request to the reception staff at our front desk. To ensure that we are complying in full with the exact information that you are requesting, our reception staff will give you a request for access to records form which you should complete and return for the attention of Mrs Angela Russell, Practice Manager, Wellhall Medical Centre, 4 Hillhouse Road, Hamilton ML3 9TZ.

You should however be aware that some details within your health records may be exempt from disclosure. However, this will be in the interests of your wellbeing or to protect the identity of a third party.

Complaints

In the event that you feel we have not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal info, you should raise your concerns in the first instance **in writing** to: Mrs Angela Russell at the above address.

If you remain dissatisfied with our response you can contact the Information Commissioner’s Office, 45 Melville Street, Edinburgh EH3 7HL – Enquiry Line 0303 123 1115 or online at www.ico.gov.uk