

# Privacy Notice- Nightingale Valley Practice

We understand how important it is to keep your personal information safe and secure and we take this very seriously. We have taken steps to make sure your personal information is looked after in the best possible way and we review this regularly.

Please read this privacy notice ('Privacy Notice') carefully, as it contains important information about how we use the personal and healthcare information we collect on your behalf.

## 1. WHY WE ARE PROVIDING THIS PRIVACY NOTICE

We are required to provide you with this Privacy Notice by Law. It explains how we use the personal and healthcare information we collect, store and hold about you. The Law says:

- A. We must let you know why we collect personal and healthcare information about you;
- B. We must let you know how we use any personal and/or healthcare information we hold on you;
- C. We need to inform you in respect of what we do with it;
- D. We need to tell you about who we share it with or pass it on to and why; and
- E. We need to let you know how long we can keep it for.

If you are unclear about how we process or use your personal and healthcare information, or you have any questions about this Privacy Notice or any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer.

## 2. THE DATA PROTECTION OFFICER

The Data Protection Officer for the Surgery is Kelly-Anne Gast. You can contact her if:

- A. You have any questions about how your information is being held;
- B. If you require access to your information or if you wish to make a change to your information;
- C. If you wish to make a complaint about anything to do with the personal and healthcare information we hold about you;
- D. Or any other query relating to this Policy and your rights as a patient.

Kelly can be contacted here:

[kelly@almc.co.uk](mailto:kelly@almc.co.uk)

## 3. ABOUT US

We, at Nightingale Valley Practice situated at Brooklea Health Centre and Riverside Surgery are a **Data Controller** of your information. This means we are responsible for collecting, storing and handling your personal and healthcare information when you register with us as a patient.

There may be times where we also process your information. That means we use it for a particular purpose and, therefore, on those occasions we may also be **Data Processors**. The purposes for which we use your information are set out in this Privacy Notice.

## 4. CORONAVIRUS PANDEMIC-DATA PROTECTION

### **Coronavirus (COVID-19) pandemic and your information**

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the Coronavirus (COVID-19) pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20<sup>th</sup> March 2020 the Secretary of State for Health and Social Care issued a Notice under Regulation 3(4) of The Health Service Control of Patient Information (COPI) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the Covid-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease.

Please be assured that we will only share information and health data that is **necessary** to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on **30<sup>th</sup> September 2020** unless a further extension is required. Any further extension will be provided in writing and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

## 5. HOW WE LOOK AFTER YOUR PERSONAL INFORMATION WHEN WORKING FROM HOME DURING THE COVID-19 PANDEMIC?

In accordance with government guidance and in order to protect the health and safety of our staff during this difficult period we will be requiring some of our staff to work from home.

This means that staff may have access to any necessary personal and/or medical information in order to look after your healthcare needs.

We would like to assure you that our staff will be subject to all relevant security procedures and policies of the Practice to ensure that any information is kept safe, secure and confidential at all times.

If you have any concerns about how your information may be used please contact our DPO who will be happy to assist with your enquiry.

## 6. INFORMATION WE COLLECT FROM YOU

The information we collect from you will include:

- A. Your contact details (such as your name and email address, including place of work and work contact details);
- B. Details and contact numbers of your next of kin;
- C. Your age range, gender, ethnicity;
- D. Details in relation to your medical history;
- E. The reason for your visit to the Surgery;
- F. Medical notes and details of diagnosis and consultations with our GPs and other health professionals within the Surgery involved in your direct healthcare.
- G. Correspondence

## 7. INFORMATION ABOUT YOU FROM OTHERS

We also collect personal information about you when it is sent to us from the following:

- A. a hospital, a consultant or any other medical or healthcare professional, or any other person involved with your general healthcare.
- B. Avon & Somerset Police Firearms department
- C. Court Orders
- D. Immigration matters
- E. Solicitors
- F. Fire Brigade
- G. Social Services
- H. Education

## 8. YOUR SUMMARY CARE RECORD

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England. This record may be shared with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

You may have the right to demand that this record is not shared with anyone who is not involved in the provision of your direct healthcare. If you wish to enquire further as to your rights in respect of not sharing information on this record then please contact our Data Protection Officer.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, please visit:

<https://nhs.uk/your-nhs-data-matters>

Please note: if you do choose to opt out, you can still consent to your data being used for specific purposes. However, if you are happy with this use of information you do not need to do anything. You may however change your choice at any time.

## 9. WHO WE MAY PROVIDE YOUR PERSONAL INFORMATION TO, AND WHY

We may pass your personal information on to the following people or organisations, because these organisations may require your information to assist them in the provision of your direct healthcare needs. It, therefore, may be important for them to be able to access your information in order to ensure they may properly deliver their services to you:

- A. Hospital professionals (such as doctors, consultants, nurses, etc);
- B. Other GPs/Doctors;
- C. Pharmacists;
- D. Nurses and other healthcare professionals;
  
- E. Dentists;
- F. Any other person that is involved in providing services related to your general healthcare, including mental health professionals.
- G. Police

- H. Driving Vehicle Licensing Authority (DVLA)
- I. Solicitors
- J. Court Orders
- K. Immigration
- L. Fire Brigade
- M. Social Services
- N. Education

## 10. OTHER PEOPLE WHO WE PROVIDE YOUR INFORMATION TO:

- A. Commissioners;
- B. Clinical Commissioning Groups;
- C. Local authorities;
- D. Community health services;
- E. For the purposes of complying with the law e.g. Police, Solicitors, Insurance Companies;
- F. Anyone you have given your consent to, to view or receive your record, or part of your record.
- G. Extended Access - We provide extended access services to our patients which means you can access medical services outside of our normal working hours. In order to provide you with this service, we have formal arrangements in place with the Clinical Commissioning group and with other practices whereby certain key "hub" practice offer this service on our behalf for you as a patient to access outside of our opening hours. This means, those key "hub" practice will have to have access to your medical record to be able to offer you the service. Please note to ensure that those practices comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.
- H. Data Extraction by the Clinical Commissioning Group - the clinical commissioning group at times extracts medical information about you, but the information we pass to them via our computer systems cannot identify you to them. This information only refers to you by way of a code, that only your practice can identify (it is pseudo-anonymised). This therefore protects you from anyone who may have access to this information at the clinical commissioning group from EVER identifying you as a result of seeing the medical information and we will never give them the information that would enable them to do this.
- I. Severnside/Integrated Urgent Care Service-incorporates NHS111, this is a new computer booking system that replaces the Out of hours service for GP Practices this service ensures that you receive the right level of care for your condition.
- J. CQC- Care Quality Commission –Regulate and inspect health and social care services across the UK.

### Other NHS organisations

Sometimes the practice shares information with other organisations that do not directly treat you, for example, Clinical Commissioning Groups (CCG). Normally, it will not be possible to identify you from this information. This information is used to plan and improve services. The information collected includes data such as the area patients live, age, gender, ethnicity, language preference, country of birth and religion. The CCG also collects information about whether patients have long term conditions such as diabetes; blood pressure, cholesterol levels and medication. However, this information is anonymous and does not include anything written as notes by the GP and cannot be linked to you.

#### 1. Local Data Sharing Agreements

1. **Sirona** Community nurses and other health care professionals are able to access GP information about people on their caseload who have recently been discharged from hospital, or who are housebound, or who require longer term rehabilitation from the GP record. This information

can be read by the healthcare professional to improve the patients care, but they are not able to amend the GP medical record;

2. **Connecting Care\*** enables a range of health care organisations, including local NHS hospital, the Ambulance Service and the Out of Hours service provided by Brisdoc. This information can be read by the healthcare professional to improve the patients care, but they are not able to amend the GP medical record;
3. **One Care** – this agreement allows patients from the surgery to be seen and treated by GPs from other surgeries in the evening and at weekend. The agreement allows a GP in other localities to access the GP record securely and allows information about the consultation to be written into the record.
4. **St Peter's Hospice** – this agreement enables hospice staff to read the records of patients in their care. This information can be read by the healthcare professional to improve the patients care, but they are not able to amend the GP medical record
5. The practice also shares anonymised data with a number of research bodies to enable clinical research to be undertaken, but no personally identifiable data is shared.

Please note: if you give another person or organisation consent to access your record we will need to contact you to verify your consent before we release that record. It is important that you are clear and understand how much and what aspects of, your record you give consent to be disclosed.

## 11. ANONYMISED INFORMATION

Sometimes we may provide information about you in an anonymised form. If we do so, then none of the information we provide to any other party will identify you as an individual and cannot be traced back to you.

## 12. YOUR RIGHTS AS A PATIENT

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

### A. Access and Subject Access Requests

You have the right to see what information we hold about you and to request a copy of this information.

If you would like a copy of the information we hold about you please contact:

We will provide this information free of charge however, we may in some **limited and exceptional** circumstances have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive. We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.

### B. Online Access

You may ask us if you wish to have online access to your medical record. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

### C. Correction

We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details including your mobile phone number has changed.

### D. Removal

You have the right to ask for your information to be removed however, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.

#### **E. Objection**

We cannot share your information with anyone else for a purpose that is not directly related to your health, e.g. medical research, educational purposes, etc. We would ask you for your consent in order to do this however, you have the right to request that your personal and healthcare information is not shared by the Surgery in this way. Please note the anonymised Information section in this Privacy Notice.

#### **F. Transfer**

You have the right to request that your personal and/or healthcare information is transferred, in an electronic form (or other form), to another organisation, but we will require your clear consent to be able to do this.

### **13. THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD**

Sometimes we record information about third parties mentioned by you to us during any consultation. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself. Third parties can include: spouses, partners, and other family members.

### **14. HOW WE USE THE INFORMATION ABOUT YOU**

We use your personal and healthcare information in the following ways:

- A. when we need to speak to, or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or on going healthcare;
- B. when we are required by Law to hand over your information to any other organisation, such as the police, by court order, solicitors, or immigration enforcement.

Please note: We will never pass on your personal information to anyone else who does not need it, or has no right to it, unless you give us clear consent to do so.

### **15. HOW THE NHS USE YOUR INFORMATION-National Data Opt-Out**

The Practice 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://www.hra.nhs.uk/information-about-patients/(which%20covers%20health%20and%20care%20research);%20and)  
<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 they use or share for purposes beyond your individual care. \*\*Practice is currently compliant with the national data opt-out policy.

## 16. LEGAL JUSTIFICATION FOR COLLECTING AND USING YOUR INFORMATION

The Law says we need a **legal basis** to handle your personal and healthcare information.

**CONTRACT:** We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

**CONSENT:** Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

**NECESSARY CARE:** Providing you with the appropriate healthcare, where necessary. The Law refers to this as 'protecting your vital interests' where you may be in a position not to be able to consent.

**LAW:** Sometimes the Law obliges us to provide your information to an organisation.

## 17. SPECIAL CATEGORIES

The Law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

**PUBLIC INTEREST:** Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment;

**CONSENT:** When you have given us consent;

**VITAL INTEREST:** If you are incapable of giving consent, and we have to use your information to protect your vital interests (e.g. if you have had an accident and you need emergency treatment);

**DEFENDING A CLAIM:** If we need your information to defend a legal claim against us by you, or by another party;

**PROVIDING YOU WITH MEDICAL CARE:** Where we need your information to provide you with medical and healthcare services

## 18. HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We carefully consider any personal information that we store about you, and we will not keep your information for longer than is necessary for the purposes as set out in this Privacy Notice.

## 19. UNDER 16s

Up until the age of 16 your parents will be able to access your medical information. This means they can discuss your care with staff at the Practice and may request to see copies of your medical information, unless you request us to withhold this information from them.

**If you do not want your parents to have access to your medical information please speak to a member of the Practice team.**

## 20. IF ENGLISH IS NOT YOUR FIRST LANGUAGE

If English is not your first language you can request a translation of this Privacy Notice. Please contact our Data Protection Officer.

## 21. COMPLAINTS

If you have a concern about the way we handle your personal data or you have a complaint about what we are doing, with your data or how we have used or handled your personal and/or healthcare information, then please contact our Data Protection Officer.

You also have a right to raise any concern or complaint with the UK information regulator: Information Commissioner's Office (ICO): <https://ico.org.uk/>

## 22. OUR WEBSITE

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

## 23. COOKIES



The Surgery's website uses cookies. For more information on which cookies we use and how we use them, please contact our Data Protection Officer.

## **24. SECURITY**

We take the security of your information very seriously and we do everything we can to ensure that your information is always protected and secure. We regularly update our processes and systems and we also ensure that our staff are properly trained. We also carry out assessments and audits of the information that we hold about you and make sure that if we provide any other services, we carry out proper assessments and security reviews.

## **25. TEXT MESSAGING AND CONTACTING YOU**

Because we are obliged to protect any confidential information we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up to date details. This is to ensure we are sure we are actually contacting you and not another person.

## **26. WHERE TO FIND OUR PRIVACY NOTICE**

You may find a copy of this Privacy Notice in the Surgery's reception, on our website, or a copy may be provided on request.

## **27. DATA STORAGE**

NHS Digital sub-contract Amazon Web Services (AWS) to store your patient data. We have been informed that the data will remain in the UK at all times and will be fully encrypted both in transit and at rest. We have further been advised that AWS offers the very highest levels of security and support. The Practice do not have any influence over how the data is stored as this is decided centrally by NHS Digital.

## **28. CHANGES TO OUR PRIVACY NOTICE**

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on 28/04/2020