

# The New Surgery



## Privacy Information

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[www.thenewsurgery-brentwood.co.uk](http://www.thenewsurgery-brentwood.co.uk)

At The New Surgery, we have a legal duty to explain how we use any personal information we collect about you at the organisation. This is in both electronic and paper format.

### **Why do we have to provide this privacy notice?**

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer Jane Marley based at Mid and South Essex ICB, [MSEICB.DPO@nhs.net](mailto:MSEICB.DPO@nhs.net)

The main things the law says we must tell you about what we do with your personal data are:

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

The General Data Protection Regulation (GDPR) became law on 24 May 2016. This was a single EU-wide regulation on the protection of confidential and sensitive information. It entered into force in the UK on the 25 May 2018, repealing the Data Protection Act (1998). Following Brexit, the GDPR became incorporated into the [Data Protection Act 2018 \(DPA18\)](#) at Part 2, Chapter 2 titled The UK GDPR.

For the purpose of applicable data protection legislation (including but not limited to the Data Protection Act 2018 (DPA2018) and Part 2 the UK GDPR).

### **Using your information**

We will use your information so that we can check and review the quality of care we provide. This helps us improve our services to you.

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, your GP will share information when they refer you to a specialist in a hospital or your GP will send details about your prescription to your chosen pharmacy.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record For more information see NHS E [Summary Care Record](#) or alternatively speak to this organisation.

You have the right to object to information being shared for your own care. Please speak to this organisation if you wish to object. You also have the right to have any mistakes or errors corrected.

### **Registering for NHS care**

- All patients who receive NHS care are registered on a national database (NHS Spine). The Spine is held and maintained by NHS England, a national organisation which has legal responsibilities to collect NHS data.
- More information can be found at [NHS England - Spine](#)

### **Identifying patients who might be at risk of certain diseases**

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital. This means we can offer patients additional care or support as early as possible.

- This process will involve linking information from your GP record with information from other health or social care services you have used. Information which identifies you will only be seen by this organisation.

## **Safeguarding**

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm. These circumstances are rare, and we do not need your consent or agreement to do this.

## **Medical research**

- This organisation 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. We will also use your medical records to carry out research within the organisation.
- The use of information from GP medical records is very useful in developing new treatments and medicines; medical researchers use information from these records to help to answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.
- You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the organisation if you wish to object.

## **Checking the quality of care – national clinical audits**

- This organisation contributes to national clinical audits so that healthcare can be checked and reviewed. Information from medical records can help doctors and other healthcare workers to measure and check the quality of care that is provided to you.
- The results of the checks or audits can show where organisations are doing well and where they need to improve. These results are also used to recommend improvements to patient care.
- Data is sent to NHS England, a national body with legal responsibilities to collect data.
- 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.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership [website](#).
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the organisation if you wish to object.

**We are required by law to provide you with the following information about how we handle your information:**

<b>Data Controller</b>	Practice Manager, The New Surgery
<b>Data Protection Officer</b>	Jane Marley based at Mid and South Essex ICB, <a href="mailto:MSEICB.DPO@nhs.net">MSEICB.DPO@nhs.net</a>
<b>Purpose of the processing</b>	<p>To give direct health or social care to individual patients. An example is, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.</p> <p>To check and review the quality of care. (This is called audit and clinical governance).</p> <p>Medical research and to check the quality of care which is given to patients (this is called national clinical audit).</p>
<b>Lawful basis for processing</b>	<p>These purposes are supported under the following sections of the GDPR:</p> <p><b>Article 6(1)(e)</b> ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and</p> <p><b>Article 9(2)(h)</b> ‘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 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><b>Article 6(1)(e)</b> – ‘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:</p> <p><b>Article 9(2)(a)</b> – ‘the data subject has given explicit consent...’</p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>
<b>Recipient or categories of recipients of the processed data</b>	<p>The data will be shared with:</p> <ul style="list-style-type: none"> <li>● healthcare professionals and staff in this surgery;</li> <li>● local hospitals;</li> <li>● out of hours services;</li> <li>● diagnostic and treatment centres;</li> <li>● or other organisations involved in the provision of direct care to individual patients.</li> </ul> <p>For national clinical audits which check the quality of care the data will be shared with NHS England.</p>
<b>Rights to object and the national data opt-out</b>	<p>You have the right to object to information being shared between those who are providing you with direct care. This may affect the care you receive – please speak to the practice. You are not able to object to your name, address and other demographic information being sent to NHS England. This is necessary if you wish to be registered to receive NHS care.</p>

	<p>You are not able to object when information is legitimately shared for safeguarding reasons. In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm. The information will be shared with the local safeguarding service.</p> <p>The national data opt-out model provides an easy way for you to opt-out of information that identifies you being used or shared for medical research purposes and quality checking or audit purposes. Please contact the practice if you wish to opt-out. Further information is available from <a href="#">NHS England</a>.</p>
<b>Right to access and correct</b>	<p>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 Access to Medical Records Policy.</p> <p>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>
<b>Retention period</b>	<p>Records will be kept in line with the law and national guidance. Information on how long records are kept can be found in the <a href="#">Records Management Code of Practice</a>.</p>
<b>Right to complain</b>	<p>In the unlikely event that you are unhappy with any element of our data-processing methods, do please contact the Practice Manager in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).</p> <p>Further details, visit <a href="https://ico.org.uk/for-the-public/">https://ico.org.uk/for-the-public/</a> and select "Make a complaint" or telephone: 0303 123 1113.</p>
<b>Data we get from other organisations</b>	<p>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.</p>