The New Surgery





Privacy Information

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At The New Surgery, all staff have a legal responsibility to maintain the confidentiality of those who use our services. Further to this, annual training is undertaken to support the need to maintain confidentiality, data security and information governance. Staff confidentiality obligations continue after their employment, or after their engagement with the practice ends.

Another of our legal responsibilities is to explain how we use any personal information we collect about you at the organisation. This information 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 Essex ICB, 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 have to inform you in respect of what we do with it
- We have to tell you about who we share it with or pass it on to and why
- We have 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.

What data will be collected by this organisation?

The following data will be collected:

- Patient details (name, preferred name, gender, date of birth, NHS number)
- Address, including previous addresses, emergency contact and NOK information
- Contact details including telephone, email and contact preferences
- Language and accessibility requirements
- Information about carers or representatives
- Medical notes (paper and electronic)
- Treatment and care, including medications, results including pathology, X-ray etc.
- Administrative information including appointment information, registration details, details of any complaints and compliments, any access needs
- Any other pertinent information

The UK GDPR gives extra protection to more sensitive information known as ‘special category data’. Information concerning health and care falls into this category and has to be treated with greater care. Data that relates to criminal offences is also considered particularly sensitive.

We collect and use the following more sensitive information (including special category data) that includes data about your:

- Physical or mental health (for example, details about your appointments or diagnosis)
- Racial or ethnic origin
- Sex life
- Sexual orientation
- Genetic data (for example, details about a DNA sample taken from you as part of a genetic clinical service)

- Biometric data (when used for identification purposes), for example fingerprints or facial recognition
- Religious or philosophical beliefs
- Political opinions
- Trade union membership
- Criminal or suspected criminal offences

Where does the data come from?

This organisation may obtain information from the following sources:

- Directly from you, including information provided to this organisation following an online request
- From parents, guardians or representatives when appropriate
- Other healthcare professionals
- NHS England, hospitals, NHS Trusts, community services and pharmacies
- Social care, mental health and ambulance services
- NHS screening programmes, national NHS systems and public health organisations
- Local authorities including safeguarding organisations
- Other organisations involved in patient care
- When legally permitted, from other third parties.

This organisation will only collect information that is relevant and necessary for the purposes for which it is processed.

Using your information

This organisation may share information with the following types of organisations:

- Organisations that provide health and care services (such as hospitals, councils, care homes, and GP surgeries)
- IT and other systems suppliers
- Planners of health and care services (such as Integrated Care Boards, NHS England, and the Department of Health and Social Care)
- Other organisations including the police and government organisations

We will use your information so that we can:

- Assess your health
- Diagnose illness
- Provide treatment
- Prescribe medication
- Arrange referrals
- Receive and review your test results
- Coordinate care
- Communicate with other healthcare professionals
- Support continuity of care (such as information for out of hours and emergency care)
- Provide preventative healthcare, such as for screening and vaccination services
- Manage long-term conditions including end-of-life care
- Check and review the quality of care we provide

Accuracy

All NHS organisations have a responsibility to maintain accurate and appropriate clinical records.

When an entry is clinically or factually inaccurate, we will consider the appropriate correction. However, we will not ordinarily delete a clinical record simply because a patient disagrees with its content. In these instances and when appropriate, an explanatory statement may be added to the record.

What is our lawful basis for using information?

Under the UK GDPR, we must have a "lawful basis" for collecting and using your personal information. The lawful basis we rely on for using personal information is:

Lawful basis	Detail
We have your consent. This means you have agreed that we can use or share your personal information	This must be freely given, specific, informed and unambiguous. It is not appropriate to rely on consent for individual care, research or service planning, even if you have obtained consent for other reasons. It is appropriate to rely on consent for the use of some types of cookies on websites.
We have to collect or use the information because we have a contract with you	This has to be a contract between a person and a service, such as a service user and privately funded care home.
The law requires us to do this	For example, when NHS England or the courts use their powers to require the data. See this list for the most likely laws that apply when using and sharing information in health and care.
We need it to perform a public task	A public body, such as an NHS organisation or a social care organisation run by a local authority, is required to undertake particular activities. This is mostly likely to be relevant for these organisation's provision of NHS and social care services regulated by the Care Quality Commission. See this list for the most likely laws that apply when using and sharing information in health and care.
We have a recognised legitimate interest. This means that we have a good reason, and that the law has decided that this reason is in the public interest	This cannot be relied on by public authorities in the performance of their tasks. However, it is likely to apply in many circumstances for private providers in health and care. The Data (Use and Access) Act 2025 introduced these recognised legitimate interests as cases when a legitimate interest assessment is not required. If you have selected this lawful basis, confirm below which option applies.

Your rights under the data protection law

Subject to legal exemptions and the circumstances of the processing, you may have the following rights. For full guidance, refer to the Information Commissioner's Office guidance titled A guide to individual rights.

Should you wish to access information about you, then a request can be made via a Subject Access Request. For further information, discuss this with a member of the team. Please note that the organisation will have to verify your identity before releasing any information and it should also be noted that there may be circumstances when information may be withheld because of a legal exemption.

Instances when information can be disclosed without consent

There are circumstances when this organisation may be required or permitted to disclose information without obtaining your consent as this may be a need under a statutory notification.

Categories include the following:

- Safeguarding
- Preventing or detecting serious crime
- Public health requirements
- Registering a birth or death
- Notification of certain infectious diseases

- Statutory reporting
- When a public inquiry requires the information
- Court orders and/or legal obligations
- Requests from regulatory authorities
- Investigations by authorised bodies
- Coroners' investigations
- Fraud prevention
- When disclosure is necessary to protect someone from serious harm
- When disclosure is otherwise authorised by law

Changes introduced by the Data (Use and Access) Act 2025

The Data (Use and Access) Act 2025 (DUAA) amended UK data protection and privacy legislation. Whilst this new Act does not replace the Data Protection Act 2018 and UK GDPR, it has modified them. This organisation will maintain its policies and procedures in accordance with the legislation as amended by DUAA.

The DUAA gained Royal Assent on 19 June 2025 and started to be introduced from then. It is now fully in force.

Changes introduced by the Children's Wellbeing and Schools Act 2026

With effect from 30 September 2026, the Children's Wellbeing and Schools Act 2026 introduced a new statutory Information Sharing Duty under Section 16LA of the Children Act 2004, which specifically applies to general practice.
The UK Government Information Sharing Duty guidance states that when the information sharing duty applies, organisations must share information with another organisation, or the requestor, if it is considered that sharing may help the recipient's relevant functions, including to assess need, make a decision, provide support or take action to safeguard and promote the welfare of a child, including when a child potentially poses a risk to others. This duty does not require information to be shared when it is considered that disclosure would be more detrimental to the child than by not disclosing the information.

Any shared information should be relevant and proportionate to the safeguarding or welfare purpose, and when Section 16LA of the Act applies, information may be required to be disclosed for the purpose of safeguarding or promoting the welfare of a child. In this instance, the disclosure made in accordance with Section 16LA does not breach the obligation of confidence.

Further reading can be found in the Department for Education guidance titled Information Sharing Duty.

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 which has legal responsibilities to collect NHS data. Further information can be found in this YouTube clip from NHS England titled What is the NHS Spine?

How do we keep your information and how long do we keep it for?

This organisation will retain your medical records in accordance with NHS England's Records Management Code of Practice. Retention periods depend on the type of record and information will be disposed of.

Opting out of sharing your data

There are two types of opting out and below details both and the actions required should you wish to opt-out of sharing your data.

Type	Description	Actions
Type 1 Opt-out	This is to stop identifiable or confidential information held in your GP record being disclosed outside the GP practice for purposes other than your individual care.	Contact the organisation and this will be locally coded into your clinical record

	NHS guidance titled Opt out of sharing your health records and also Summary Care Record	
National Data Opt-out **(NDO-O)**	This is to stop confidential patient information being used for certain research and planning purposes by NHS and other healthcare organisations. Refer to the following NHS guidance: • Make your choice about sharing data from your health records • National Data Opt-Out • Setting or changing a national data opt-out choice	Contact NHS England to opt-out This action cannot be completed by the organisation

Sharing information for direct care – Type 1 Opt Out

Type 1 Opt-out applies at practice level and means that a patient's medical record is not extracted from the organisation for any purpose other than for direct patient care. Patients can opt-out at any time, and opting out will mean that no further extractions will be taken from the medical record. It should be noted that sharing information between healthcare professionals is often necessary to provide safe and effective care and examples when sharing information is required include:

- Between the GP record and a hospital treating the patient
- Sharing relevant information with an out-of-hours service
- Providing medication information to another healthcare professional
- Sharing information with community nursing services
- Sharing relevant information with social care when necessary to coordinate care

Whilst it is the patient's decision as to whether this information is shared or not, there are benefits when another NHS organisation has limited healthcare information about a patient. Instances would include within an emergency setting or during an out of hours conversation about a patient's care. The limited information would be any current medication, allergies or reactions to medication and specific information to confirm the patient's details such as name, address, date of birth and NHS number. Having this information ensures that safer care is delivered.

When you object to sharing information for your individual care, this organisation will consider your objection, although there may be circumstances when information must nevertheless be shared, for example when there is an overriding public interest or when sharing is necessary to prevent serious harm.

Opting out of data sharing for research and planning – National Data Opt-Out

The other form of opting out is when a patient requests that confidential information is not shared for research and planning purposes. This is called the National Data Opt-Out (NDO-O) and patients are able to opt-out at any time. Further information on medical research, audits and high-risk monitoring planning can be found below.

This opt-out cannot be completed by a GP practice as this has to be undertaken by the patient informing NHS England using any of the following methods:

Online	The NHS number and/or postcode is required. Further reading is at Make your choice about sharing data from your health records
Telephone	Call 0300 303 5678 between 0900 – 1700 Monday to Friday
NHS App	For use by patients aged 13 and over. The app can be downloaded from the App Store Google Play
Print and post	To NHS England, PO Box 884, LEEDS, LS1 9TZ.

	Photocopies of proof of the applicant's name (e.g., passport, UK driving licence etc.) an address (e.g., utility bill, payslip etc.) will be needed and sent with the application. It should be noted that it can t up to 14 days to process the form. Patient information is available within the NHS guidance titled Manage your choice

Further information on NDO-O is available from the NHS England guidance:

- National Data Opt-Out
- Opt out of sharing your health records
- Make your choice about sharing data from your health records
- Sharing data from your health records – Information in different languages and formats

Safeguarding

- Sometimes we have 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.

Children and young people

When a young person is considered competent to make decisions about their healthcare, confidentiality will normally be respected. A parent or person with parental responsibility does not automatically have an unrestricted right to access a child's medical information.

Further reading can be found at:

- NHS England's guidance titled Children and young people
- Care Quality Commission's GP mythbuster 8: Gillick competency and Fraser guidelines
- The practice's Privacy Notice – Easy read

People who lack capacity

When a person is considered to lack capacity to make a particular decision, information will be handled in accordance with the relevant legislation and guidance to ensure the best interests of the patient are always considered. Please note that a person acting under a Lasting Power of Attorney or other authority may not automatically have unrestricted access to all medical information and the scope of their authority will always be considered.

Artificial Intelligence (AI)

Prior to using AI, a full data protection impact assessment has been compiled by the organisation, and any AI use will comply with the strict data protection laws that also includes UK GDPR.

Clinicians are more frequently using AI software during consultations to support both the compiling and documenting of a patient's clinical record. There are two main types of personal data that will be processed during a consultation, including the patient's name, contact details, medical history, diagnosis, treatment information, and any other information shared during consultations. There may also be an audio recording of the clinician, although this is to detail their professional identifiers, such as name and title. Prior to any use of this technology within the consultation, patients are to be informed. This is for both transparency and also to allow the ability for any patient to object to having AI technology within their consultation.

For further information, a privacy notice that specifically supports AI use is available upon request and the CQC has issued guidance titled GP mythbuster 109: Use of artificial intelligence (AI) in GP services.

Data breaches

Loss of personal data breach means a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to personal data, and this organisation will act upon a suspected data breach as soon as practicable following becoming aware of it. Data breaches will be reported to the Information Commissioner's Office (ICO) should it meet its threshold and in accordance with its guidance titled Personal data breaches: a guide. In addition to reporting to the ICO, should a data breach occur, then this is also reported to both the Department of Health and Social Care and NHS England.

A data breach extends to the browsing of medical records when there is no requirement to do so. This is detailed within the NHS England publication titled Preventing unlawful access to patient records and reinforced within its letter titled Unauthorised, inappropriate and unjustifiable access to confidential patient information.

The legislation that supports inappropriate access is Data Protection Act 2018 Section 170 in which it states that it is a criminal offence for a person to knowingly or recklessly obtain or disclose personal data without the consent of the data controller.

Following any data breach, there will be an investigation that supports lessons learned to prevent any reoccurrence.

Data complaints

Should you believe that there has been a breach of your data, then you can either complain to the organisation directly or to the Integrated Care Board. Should you be dissatisfied with the initial response, then you may then direct your complaint to the Information Commissioner's Office (ICO) by referring to How to deal with data protection complaints or, as for any other complaint, you may wish to escalate your complaint to the Public Service Ombudsman or PSO (formally known as the Parliamentary and Health Service Ombudsman or PHSO).

Guidance on the complaints procedure can be found in the practice's complaints leaflet. Further reading to support the changes following the implementation of the Data (Use and Access) Act 2025 can be found in:

- NHS England document titled Personal data breaches and related incidents
- ICO guidance titled How to make a data protection complaint to an organisation

Review of this notice

As for all policies and procedures, this organisation will routinely review this privacy notice to ensure that the information is current. This is normally at least annually, or when there is a significant change in legislation, or guidance from the ICO, Government, or NHS England. Furthermore, this organisation will review this notice should there be a significant change in new systems or ways of working.

The organisation will maintain a version history.

Key information

This organisation is lawfully required to provide you with the following information about how we handle your information:

Data Controller	Practice Manager, The New Surgery
Data Protection Officer	Jane Marley based at Mid Essex ICB, MSEICB.DPO@nhs.net
Purpose of the processing	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.

	To check and review the quality of care. This is called audit and clinical governance. Medical research and to check the quality of care which is given to patients. This is called national clinical audit.
Lawful basis for processing	These purposes are supported under the following sections of the GDPR: ***Article 6(1)(c)*** *'…necessary for compliance with a legal obligation to which the controller is subject'; and* ***Article 6(1)(e)*** *'…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…'; and* ***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..."* 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): ***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'.* For medical research, there are two possible Article 9 conditions. ***Article 9(2)(a)*** *– 'the data subject has given explicit consent…'*
Common law duty of confidence and the Caldicott Principles	Healthcare staff will also respect and comply with their obligations under the common law duty of confidence and in accordance with the eight Caldicott Principles: 1. Information is used only when necessary 2. Information is used only when necessary for a specified purpose 3. Information is used when necessary but only the minimum necessary is used 4. Access is limited to those who need it 5. Everyone with access understands their responsibilities 6. Compliance with the law is understood and complied with 7. The duty to share information for individual care is as important as the duty to protect confidentiality 8. Information is used in ways that people can understand and reasonable expectations are met The Caldicott Principles apply to confidential information used within health and social care and when information is shared between organisations. This organisation will also consider the Caldicott Principles when deciding whether information is shared between other healthcare organisations.
Recipient or categories of recipients of the processed data	The data will be shared with: • Healthcare professionals and staff in this surgery • Local hospitals including emergency departments and ambulance services • Out of hours services • Diagnostic and treatment centres • Other organisations involved in the provision of direct care to individual patients For national clinical audits which check the quality of care the data will be shared with NHS England.

Rights to object and the national data opt-out	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 organisation. 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. 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. 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 organisation if you wish to opt-out. Guidance is available from NHS England's webpage titled National Data Opt-Out.
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 Access to Medical Records Policy. 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	Records will be kept in line with the law and national guidance. Information on how long records are kept for can be found in the NHS England guidance titled Records Management Code of Practice.
Right to complain	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) or, as for other types of complaints, you may wish to escalate your complaint to the Public Service Ombudsman or PSO (formally known as the Parliamentary and Health Service Ombudsman, or PHSO). For further details, visit the ICO webpage titled For the public and select "Make a complaint" or select the Live Chat option, or telephone: 0303 123 1113.
Data we get from other organisations	We receive information about your health from other organisations that 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 has happened. This means your GP medical record is kept up to date when you receive care from other parts of the health service.