

Figges Marsh Surgery Protecting Your Confidentiality (Privacy Notice)

Your information, what you need to know

This Privacy Notice explains why we collect information about you, how that information may be used and how we keep it safe and confidential.

Your information, what you need to know

Figges Marsh Surgery is a GP surgery that operates under a National Health Service (NHS) Personal Medical Services contract. We work closely with 5 local practices in East Merton to provide and improve care as part of the East Merton Primary Care Home network (EMPCH).

Why we need information about you

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received within any NHS organisation. The information that makes up your record is also essential to help us provide you with the best possible healthcare.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring and improving the quality of care that we provide. In carrying out this role we may collect information about you which helps us respond to your queries, provide you with the most appropriate care, or arrange specialist services on your behalf. We may keep your information in written form and/or in digital/electronic form. The records will include basic details about you, such as your name and address. They may also contain sensitive information about your health such as outcomes of assessments and investigation results (for example blood tests and radiology). All information about you is treated confidentially.

Details we collect about you

The health care professionals, who provide you with care, maintain records about your health and any treatment or medicines and care you have received previously from providers of NHS services, such as:

- The Merton GP Federation Access Hubs (based at Wide Way Medical Centre and the Nelson Health Centres)
- Merton Community Diabetes services (delivered by Central London Community Health Care (CLCH)) and joint clinics delivered by your GP surgery in partnership with CLCH.
- East Merton Primary Care Home, a network of local practices in east Merton (of which your GP Practice is a member) working together to provide services for their registered patients including:

1. Same day urgent appointments (in near future)
2. Asthma/COPD, Diabetes and other Long Term Condition clinics

3. Weekly Care Home Service
4. GP Home visiting service (in near future)
5. 40 plus health checks

Information that your GP Practice holds about you could include the following:

- Contact details such as your address and next of kin
- Any record of contact the surgery has had with you, such as past appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your and any allergies
- Details about your treatment and care
- Results of investigations, such as laboratory tests, x-rays, etc.
- Notes of medicines currently prescribed, or prescribed in the past, including medicines you have had an adverse reaction to
- Relevant information from other health professionals, relatives or those who care for you
- Information about care and treatment that you may have had with other NHS health care providers, for example if your GP practice has referred you for treatment within the NHS, relevant information about you will be shared with that provider and they will in turn provide your GP practice with information on the treatment they have given and the outcomes of any tests.

How we keep your information confidential and safe

Everyone working for our organisation is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law. The NHS Digital Code of Practice on Confidential Information applies to all our staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive regular training on how to do this.

NHS staff are not permitted to access information that is not relevant to the patient and the condition they are treating and our information systems are set up to prevent and track any misuse of information.

The health records we use may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to operate to this code. Before they begin any work they have to prove that adequate security arrangements are in place to protect patient data.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

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- General Data Protection Regulation 2018

- Data Protection Act 1998
- Human Rights Act
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015
- And all applicable legislation

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. your own or someone else's safety is at risk), or where the law requires information to be passed on.

Sharing of your data with other organisations working with or for the NHS

Under the powers of the Health and Social Care Act 2015, NHS Digital (the national information and technology partner to the health and social care system) can request personal confidential data from GP Practices without seeking patient consent. NHS Digital supplies information and data to the health service, provides vital technological infrastructure, and helps different parts of health and care work together. It is the organisation that is the overall guardian for patient data, making sure it is protected and handled securely.

Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care. In many cases this means we will introduce a secure and auditable electronic means of sharing to replace slow and inefficient, and sometimes less secure manual or paper sharing methods. The aim of this type of sharing is to ensure the clinicians treating you have the information they need to provide you with safe care. However, you may choose to withdraw your consent to personal data being used in this way. When we are about to participate in a new data-sharing project we will make patients aware by displaying prominent notices in the Practice and on our website at least four weeks before the scheme is due to start. Instructions will be provided to explain what you have to do to 'opt-out' of each new scheme.

You can object to your personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

What else might information be used for?

Clinical audit

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes e.g. the National Diabetes Audit. Where we do this we take strict measures to ensure that individual patients cannot be identified and the information is anonymised.

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National Registries

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

Individual Funding Request

An 'Individual Funding Request' is an application made with your consent, but on your behalf by a clinician, to fund healthcare which falls outside the range of services and treatments which are routinely commissioned. These requests are considered by an Individual Funding Request Panel which considers evidence of clinical and cost effectiveness, as well as equity for the whole population. A detailed response, including the criteria considered in arriving at the decision, will be provided to the patient's clinician.

Invoice Validation

Invoice validation is an important process. It involves using your NHS number to check the clinical commissioning group that is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

Cabinet Office

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice.

View further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

Supporting Locally Commissioned Services and Quality Premiums Clinical commissioning groups support GP practices by auditing anonymised data to monitor locally commissioned services, measure prevalence and support data quality. The data does not include identifiable information and is used to support patient care and ensure providers are correctly paid for the services they provide.

Supporting Medicines Management

Clinical commissioning groups support local GP practices with prescribing queries which generally don't require identifiable information. Clinical commissioning group pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. Where specialist support is required e.g. to order a drug that comes in solid form, in gas or liquid, the clinical commissioning group medicines management team will order this on behalf of the practice to support your care.

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Safeguarding

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

Risk Stratification

Risk stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services. Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health and not just the treatment of sickness. Unidentifiable, pseudoanonymised information about patients is collected from a number of NHS organisations and then analysed by software managed by North East London Commissioning Support Unit (www.nelcsu.nhs.uk) to create a risk score. This risk score is then given back to your GP practice via a software provider, Sollis (www.sollis.co.uk). The information is then de-anonymised at a GP practice level so clinicians and staff at your GP practice can plan appropriate healthcare interventions, including planning appropriate services for patients and proactively offering you treatments to keep you well or treat long term illness. Patient data is securely managed throughout the whole process to ensure that identities are kept confidential.

Risk stratification is commissioned by the NHS Clinical Commissioning Group (CCG) in this area. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information is available from:

<https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose.

Clinical Research

Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose.

Summary Care Record (SCR)

The NHS in England uses a national electronic record called the Summary Care Record (SCR) to improve the safety and quality of your care. It only contains basic information from your GP record and is not the full patient record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

The core information of the Summary Care Record comprises your allergies, adverse reactions and medications. An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your agreement.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from

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any bad reactions to medicines you have had, in order to treat you safely in an emergency. Your records will stay as they are now with information being shared by letter, email, fax or phone.

If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.

Local information sharing

Your patient record is held securely and confidentially on our electronic system systems. This is used by authorised health and social care professionals within or working in partnership with Figges Marsh Surgery.

Figges Marsh Surgery also works with other local organisation to provide direct patient care including:

1. East Merton Primary Care Home (EMPCH)

We are 5 East Merton GP practices working in collaboration to provide high quality care for our patients. This may include pooling resources and expertise for specialist services such as: complex diabetes management; home visiting; nursing home care; long term respiratory conditions; anticoagulation; frailty pathways; family planning and contraception.

Our practices are:

- ☒ Figges Marsh Surgery
- ☒ Cricket Green Medical Practice
- ☒ Ravensbury Park Medical Practice
- ☒ Tamworth House Medical Centre
- ☒ Wide Way Medical Centre

We will tell you if we are offering you services at other practices in our network. If you attend these services the treating clinician will usually have access to your GP medical record and will be able to enter information directly into your record.

2. Merton GP Federation Extended Access Hubs

These provide extra appointments in evenings and weekends that can be booked via the practice. The GP seeing you will have access to your medical record and will be able to enter information directly into your record. They currently don't have full access to the full set of referrals or investigations that your daytime regular GP practice provides however.

3. Local hospitals in South West London and community based clinics or services

If you require a referral to a hospital or community clinic information relevant to your referral will be sent to the appropriate clinic. This may include a summary of your medication and medical history. In the future there may be more in depth sharing of the clinical record for the use of direct patient care – we will update this notice as and when any changes occur.

Keeping data safe in the future

We will approach the longer term management of our patient records in line with the Records Management NHS Code of Practice for Health and Social Care. This sets out the required standards of practice for managing the records that staff working within or under contract to NHS organisations in England must follow; and it is based on current legal requirements and professional best practice.

Who are our partner organisations?

All organisations that we work with are subject to strict data sharing agreements which set out how data will be used; which form part of their contractual obligations. The sort of organisations we work with are as follows:-.

- NHS trusts
- Specialist service teams, such as Diabetes Integrated Teams and Community Integrated Teams
- Community Services – Central London Community Healthcare
- Independent contractors such as dentists, opticians, pharmacists – working to an NHS contract
- Private sector or voluntary sector providers – working to NHS contracts.
- Ambulance services
- Clinical commissioning groups
- Social care providers
- Local authorities
- Education services
- Fire and Rescue Services
- Police

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function.

Within the health partner organisations (NHS and Specialist Trusts) and in relation to the above mentioned themes – Risk Stratification, Invoice Validation, Supporting Medicines Management, Summary Care Record – we will assume you are happy to for your information to be shared unless you choose to opt-out (see below).

This means you will need to express an explicit wish not to have your information shared with the other NHS organisations; otherwise they will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

Your right to withdraw consent for us to share your personal information (Opt-Out)

If you are happy for your data to be extracted and used for the purposes described in this Fair Processing Notice then you do not need to do anything. If you do NOT want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances we may still be legally required to disclose your data.

There are two main types of opt-out.

Type 1 Opt-Out

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a 'Type 1 Opt-Out'. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

Type 2 Opt-Out

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a 'Type 2 Opt-Out'. For further information about Type 2 Opt-Outs, please contact NHS Digital Contact Centre at enquiries@hscic.gov.uk referencing 'Type 2 Opt-Outs – Data Requests' in the subject line; or call NHS Digital on (0300) 303 5678; or visit the website <http://content.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

If you wish to discuss or change your opt-out preferences at any time please contact the practice manager.

NHS Digital is developing a new system to give you more control over how your identifiable information is used. We will tell you more once details are released.

Access to your information

Under the Data Protection Act 1998 everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data. If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld. We may charge a reasonable fee for the administration of the request.

You are entitled to have access to your medical records. We now do this free of charge by providing patients with on-line access via our IT system's "Patient Access" utility. Please ask at reception if you wish to have the ability to access your medical records on-line. You will need to provide picture ID before we grant you access to your records on-line. You will be able to print your records if they are required by a third party, such as an insurance company or solicitor. Requests for access can be made in person, by email at MERCCEG.FiggesMarshGP@nhs.net

Change of Details

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

Mobile telephone number

If you provide us with your mobile phone number we may use this to send you reminders about your appointments or other health screening information. Please let us know if you do not wish to receive reminders on your mobile.

Notification

The Data Protection Act 1998 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

We are registered as a data controller and our registration can be viewed online in the public register at: http://ico.org.uk/what_we_cover/register_of_data_controllers

Any changes to this notice will be published on our website and in a prominent area at the Practice.

Complaints

If you have concerns or are unhappy about any of our services, please contact the Practice Manager.

For independent advice about data protection, privacy and data-sharing issues, you can contact:
The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113 Website: www.ico.gov.uk

Further Information

Further information about the way in which the NHS uses personal information and your rights in that respect can be found here

The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under the Data Protection Act 1998.

<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programmes available to you, confidentiality, information and your right to complain if things go wrong.

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

NHS Digital

NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.

<http://content.digital.nhs.uk/article/4963/What-we-collect>

Reviews of and Changes to our Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in May 2018.