

**Protecting Your Confidentiality**

**Fair Processing Notice (Privacy Notice): 2023-24**

# 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.

# Why we collect 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. These records help to provide you with the best possible healthcare and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form.

# Our commitment to data privacy and confidentiality issues

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/679 (GDPR) now known as the UK GDPR, the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national Laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communications (EC Directive) Regulations.

# Data 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 Buckinghamshire Healthcare NHS Trust or Frimley Health NHS Foundation Trust, your GP surgery or the Urgent Treatment Centre.

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

* Personal Data – means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
* Special Categories of Personal Data – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.
* Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (e.g. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information ‘given in confidence’ and ‘that which is owed a duty of confidence’. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.
* Pseudonymised – The process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their ‘real world’ identity.
* Anonymised – Data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place
* Aggregated – Statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

# 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 or authorised carer, unless there are other circumstances covered by the law. The NHS Digital [Code of Practice on Confidential Information](http://systems.digital.nhs.uk/infogov/codes/cop/code.pdf) 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. Before they begin any work they have to provide evidence in the form of a Data Security Policy, that adequate security arrangements are in place to protect patients.

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

* General Data Protection Regulation 2018
* Data Protection Act 2018
* 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 share your information where there is a legal basis, such as for:-

* Your medical diagnosis and treatment
* To provide you with health or social care
* To manage and plan our local health and social care services
* Where is it required by law, for example the Children’s Act 1989 requires information to be shared in Safeguarding cases
* Protection of vital interests, for example to protect someone's physical integrity of life
* With your consent, providing you have capacity to give this, or with consent from your authorised representative.

**How the NHS and care services use your information**

Riverside Surgery 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 by the service
* research into the development of new treatments and care pathways
* preventing illness and diseases
* monitoring safety
* planning services
* risk stratification
* Population Health Management

**Safeguarding of children or vulnerable adults**

If we have significant concerns or hear about an individual child or vulnerable adult being at risk of harm, we may share relevant information with other organisations, such as local authorities and the Police, involved in ensuring their safety.

**Statutory disclosures**

Sometimes we are duty bound by laws to disclose information to organisations such as the Care Quality Commission, the Driver and Vehicle Licencing Agency, the General Medical Council, Her Majesty’s Revenue and Customs and Counter Fraud services. In these circumstances we will always try to inform you before we are required to disclose and we only disclose the minimum information that the law requires us to do so.

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, pseudonymised or anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn’t needed.

***A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.***

## How long do we hold information?

All records held by the Practice will be kept for the duration specified by national guidance from [Records Management Code of Practice - NHSX](https://transform.england.nhs.uk/information-governance/guidance/records-management-code/). Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our information asset registers, in line with the Records Management Code of Practice for Health and Social Care 2021.

## Individuals Rights under UK GDPR

Under UK GDPR 2016 the Law provides the following rights for individuals. The NHS upholds these rights in a number of ways.

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure (not an absolute right) only applies in certain circumstances
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling.

## Your right to opt out of data sharing and processing

The NHS Constitution states ‘You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered’.

**Type 1 Opt Out**

This is an objection that prevents an individual's personal confidential information from being shared outside of their general practice except when it is being used for the purposes of their individual direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. If patients wish to apply a Type 1 Opt Out to their record they should make their wishes know to the practice manager.

**National data opt-out** (NDOO)

The national data opt-out was introduced on 25 May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

The national data opt-out replaces the previous ‘type 2’ opt-out, which required NHS Digital not to use a patient’s confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to [National data opt out programme](https://digital.nhs.uk/services/national-data-opt-out-programme)

To find out more or to register your choice to opt out, please speak to a member of our surgery or 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/](https://www.hra.nhs.uk/information-about-patients/%20) (which covers health and care research)

and

<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. Our organisation is currently compliant with the national data opt-out policy.

# Your right to withdraw consent for us to share your personal information

# (Opt-Out)

If you are happy for your data to be shared and used for the purposes described in this Privacy 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. Alternatively please register this at: <https://your-data-matters.service.nhs.uk/>

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 as already outlined, we may still be legally required to disclose your data.

# What else might information be used for?

**Babblevoice telephone system**

Riverside Surgery are subscribed to Babblevoice services to provide our telephone system. This service is GDPR compliant and conforms to data protection, security and privacy standards. For further information please see Babblevoice Privacy Notice: <https://www.babblevoice.com/docs/privacy/>

**Accurx**

Riverside Surgery are subscribed to Accurx which provides video consultations, patient questionnaires, SMS and to send documents via SMS. This service is GDPR compliant and conforms to data protection, security and privacy standards. For further information please see Accurx GDPR information here: <https://www.accurx.com/gdpr-questions>

**Child Health Information**

We wish to make sure that your child has the opportunity to have immunisations and health checks when they are due. We share information about childhood immunisations, the 6-8 week new baby check and breast-feeding status with NHS Berkshire Health Foundation Trust health visitors and school nurses, and with NHS South Central and West Commissioning Support Unit, who provide the Child Health Information Service in Berkshire on behalf of NHS England.

## 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.

**eConsult**

Riverside Surgery are subscribed to eConsult services to provide online consultations for our patients. This service is GDPR compliant and confirms to data protection, security and provide standards. For further information please see eConsult Privacy Notice: <https://econsult.net/nhs-patients/privacy-policy>

## 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 or carer and their clinician.

## Invoice Validation

Invoice validation is an important process. It involves using your NHS number to check for authorisation from the clinical commissioning group that is responsible for paying for treatment received by all Buckinghamshire residents. 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.

**UK Cabinet Office**

The use of data by the UK 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 Data Protection legislation.

The Audit Commission Act 1998 defines data matching as the comparison of sets of data to determine how far they match. The purpose of data matching is to identify inconsistencies that may indicate fraud.

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.

## 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.

## CCTV

We have CCTV cameras in and outside the Riverside Surgery Premises. They are there to protect our staff and patients and continually record anything onsite. The recordings are only access by the Data Protection Officer (DPO), Dr Jo-ai Foley and would not be used for any reason without explicit consent from the individuals within the recording. The exception being any incident involving a significant event or safeguarding concern which is deemed a greater risk to any individual or public if it was withheld in an investigation. In all circumstances the Surgery will attempt to gain consent, prior to any images being used in an investigation. In all circumstances the Surgery will also retain the rights to any of the recordings and patients do not have the right to access / receive recordings for personal reasons. If you have any concerns, please do contact the DPO.

## Risk Stratification (planning future health and social care services)

Risk stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services in the future. 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, anonymised information about patients is collected from a number of NHS organisations and then analysed by software managed by NHS South, Central and West Commissioning Support Unit to create a risk score. This risk score is then given back to your GP practice who will assess future healthcare needs. This should improve care for everyone by helping practices to work more proactively by planning healthcare in advance. 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 on risk stratification 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 practice will always seek your consent before releasing information for this purpose.

## Clinical Practice Research Datalink (CPRD)

Riverside Surgery is subscribed to provide anonymised healthcare records to CPRD to ensure vital public health research can be carried out. It is part of the National Institute for Health Research. We will seek consent prior to any patient identifiable information being used by CPRD.

## 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 the Summary Care Record (SCR), NHS healthcare staff caring for you outside of this practice may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an emergency. Your record will not be shared with the Summary Care Record (SCR) programme. Your information will continue to be shared as previously in connection with your care, by letter, email, fax or phone.

***If you wish to opt-out of having Summary Care Record (SCR) please return a completed*** [***opt-out form***](https://www.digital.nhs.uk/summary-care-records/patients) ***to the practice.***

## Local information sharing - Buckinghamshire’s My Care Record

Your patient record (My Care Record) is held securely and confidentially on this practice’s electronic system. If you require attention from a health or social care professional, such as an Emergency Department, Minor Illness and Injury Unit, 111, Out Of Hours location, or specialised local health and social care team, those treating you are better able to give appropriate care if information from your GP patient record is available to them. This information can be locally shared electronically via My Care Record.

In all cases, your information is only used by authorised health and social care professionals in organisation involved in providing or supporting your direct care. Your permission will be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the health care professional is unable to ask you and this is deemed to be in your best interests, the reason for access will then be logged. Records and their access are audited by nominated privacy officers, on a regular basis to ensure compliance.

***If you wish to opt-out of My Care Record please return a completed*** [***opt-out form***](https://www.aylesburyvaleccg.nhs.uk/wp-content/uploads/2015/08/My-Care-Record-Opt-Out-Form-V3.0-NM.pdf) ***to the practice.***

**Local information sharing – Specialist service teams**

This Practice works with specialist health and social care service teams such as the diabetes and Locality Integrated Teams, to provide safe and joined up services in Buckinghamshire. The shared My Care Record provides authorised health and social care staff with access to relevant information, which helps them to make informed, timely decisions about your care and treatment and for new information to be instantly updated in your record. Access is strictly controlled by your practice.

***If you do not wish your data to be shared with the specialist service teams please let us know so we can code your record appropriately.***

# 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](http://webarchive.nationalarchives.gov.uk/20160729133355/http:/systems.hscic.gov.uk/infogov/iga/rmcop16718.pdf). 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 types of organisations we work with are as follows:-.

* NHS trusts
* GP Federations
* FedBucks
* Dashwood PCN
* BOB ICB
* 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 and social care 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.

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.

# Right of Access to your information (Subject Access Request)

Under Data Protection Legislation everybody has the right of access to, or request a copy of, information we hold that can identify them, this includes medical records. There are some safeguards regarding what patients will have access to and they may find information has been redacted or removed for the following reasons;

* It may be deemed to risk causing harm to the patient or others
* The information within the record may relate to third parties who are entitled to their confidentiality, or who have not given their permission for the information to be shared.

Patients do not need to give a reason to see their data. And requests can be made verbally or in writing. Although we may ask them to complete a form in order that we can ensure that they have the correct information required.

Where multiple copies of the same information is, including duplicated requests, the surgery may charge a reasonable fee for the additional copies.

Patients will need to provide proof of identity to receive this information.

Patients may also request to have online access to their data, they may do this via the [NHS APP](https://help.login.nhs.uk/setupnhslogin/#where-you-can-use-nhs-login), or via the practices system, namely Patient Access. If you would like to access your GP record online click here <https://www.theriversidesurgeryhighwycombe.nhs.uk>.

# COVID Passport access

# Patients may access their Covid passport via the link, the practice cannot provide this document as it is not held in the practice record. If you have any issues gaining access to your Covid Passport or letter you should call: 119

# 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.

We also use the NHS Account Messaging Service provided by NHS England to send you messages relating to your health and care. You need to be an NHS App user to receive these messages. Further information about the service can be found at the [privacy notice for the NHS App](https://www.nhs.uk/nhs-app/nhs-app-legal-and-cookies/nhs-app-privacy-policy/privacy-policy/) managed by NHS England.

**Email address:**

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide. If you do not wish to receive **communications by email please let us know.**

# Notification

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

This practice is 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>

A ‘data controller’ determines the purposes and means of processing personal data.

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

**Data Protection Officer**

Should you have any data protection questions or concerns, please contact our Data Protection Officer via the surgery at: [practicemanager.riversidesugery@nhs.net](mailto:practicemanager.riversidesugery@nhs.net)

## What is the right to know?

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non-personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However you can request this under a right of access request – see section above ‘Access to your information’.

# Right to complain

If you have concerns or are unhappy about any of our services, please contact:

Dr Jo-ai Foley, Data Protection Officer / GP Partner

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](http://www.ico.gov.uk)

## 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>

# Reviews of and Changes to our Privacy Notice

We will keep our Privacy Notice under regular review. This notice was last reviewed in Oct 2023.

**Appendix A:**

