

## **Fair Processing**

### **Your Information, What You Need to Know**

This privacy notice explains why the Hurley Clinic collects information about you, and how that information may be used.

### **How We Keep Your Information Confidential and Safe**

Everyone working for the NHS 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.

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information, tell you of how your information will be used, and allow you to decide if and how your information can be shared.

### **Why We Collect Information about You**

In carrying out some of these roles we may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic - details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

### **How We Use the Information that We Collect**

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records 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. Records which this GP Practice may hold about you may include the following;

- Details about you, such as address and next of kin
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.

- Notes and reports about your health
- Details about your treatment and care
- Results of investigations, such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may also be used for clinical audit to monitor the quality of the service provided.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified.

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

## **What We Use your Information For**

### **Analysis – Risk Stratification**

Risk stratification tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by United Health (also known as Optum) as the data processor and is only provided back to your GP or member of your care team as data controller in an identifiable form. Risk stratification enables your GP to focus on the preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services.

Please note that you have the right to opt out, by contacting your GP Practice.

### **Invoice Validation**

If you have received treatment within the NHS, NHS Lambeth Clinical Commissioning Group (CCG) may require access to your personal information in order to determine which CCG should pay for the treatment or procedure you have received.

Information such as your name, address and date of treatment may be passed on to enable the billing process. These details are held in a secure environment and kept confidential. This information will only be used to validate invoices, and will not be shared for any further commissioning purposes.

### **Supporting Medicines Management**

CCGs support local GP practices with prescribing queries which generally don't require identifiable information.

Where specialist support is required, e.g., to order a drug that comes in solid form in gas or liquid the CCG medicines management team will order this on behalf of a GP 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.

### **Quality Alerts**

A Quality Alert is a systemic issue, generally affecting a service, or the ability to deliver a high quality service. Lambeth CCG's Governance and Quality Team triage quality alerts (QA's) reverse quality alerts and incidents reported by GPs/Provider organisations. The CCG has a statutory duty to support NHSE with the continuous quality improvement of primary medical services as set out in the HSCA 2012 and the Primary Medical Services assurance framework.

### **New systems to improve information sharing in Lambeth**

The local NHS in Lambeth is developing new systems, such as the Local Care Record system so that you can receive more joined up services. The services will have access to your whole medical record. Where appropriate, healthcare professionals will inform you that they are accessing your shared Local Care Record. In an emergency situation where you may not be conscious or able to give consent they will open your information in order to give you the best care. You can ask your GP to hide information in your medical record that you would not want another service to be able to see. This will not be visible to other organisations when they open your record.

## **Lambeth DataNet**

Lambeth DataNet is a group of general practices in Lambeth working together to improve local health care by researching information from patient records. This gives us a better idea of what services are needed for the Lambeth population. If we take part in an audit or research study we pass on information to the researchers coordinating the study. Sometimes this research involves linking patient information held by your general practice with NHS information held by the hospital or A&E, for example. This information is anonymous and cannot be traced back to you in any way. Please contact us on [LAMCCG.datanet@nhs.net](mailto:LAMCCG.datanet@nhs.net) if you would like further details.

### **How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 1998 (which is overseen by the Information Commissioner's Office), Human Rights Act, the Common Law Duty of Confidentiality, and the NHS Codes of Confidentiality and Security.

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. Anyone who receives information from an NHS organisation has a legal duty to keep it confidential.

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. life or death situations), or where the law requires information to be passed on.

### **Who are our partner organisations?**

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations;

- NHS Trusts
- Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Local Authorities

- Education Services
- Fire and Rescue Services
- Police
- Other 'data processors'

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, Safeguarding, Quality Alerts, Local Care Record, Lambeth DataNet – we will assume 'implied consent' 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)**

You have the right to consent / refuse / withdraw consent to information sharing at any moment in time. There are possible consequences to not sharing but these will be fully explained to you to help you with making your decision.

You can opt out at any time by contacting:

Hurley Clinic – Practice Operations Manager

### **National Initiatives**

If you would like to find out about what national initiatives may affect you, visit:

Care. Data: NHS England <http://www.england.nhs.uk/?s=care.data&search>

HSCIC: <http://www.hscic.gov.uk/article/3525/Caredata>

Coordinate My Care (CMC): <http://www.coordinatemycare.co.uk/>

Summary Care Record: <http://systems.hscic.gov.uk/scr>

### **Accessing Your Information Held by the Hurley Clinic**

Under the Data Protection Act 1998 you have the right to see or be given a copy of personal data held about you. To gain access to your information you will need to make a Subject Access Request (SAR) to the Hurley Clinic

We may charge a reasonable fee for the administration of the request, set down in law as follows:

- If the information is only held electronically we may charge up to £10 for complying
- If the information is only held wholly or partly in paper format we may charge up to £50 for complying.

### **Freedom of Information Requests (FOI)**

The Freedom of Information Act (2000) gives every Individual the right to request information held by Government Agencies. Private Companies are not subject to this act.

Please note that a Freedom of Information Request is not a Subject Access Request.

Please send your requests to the Freedom of Information Team at:

General Medical Council

3 Hardman Street

Manchester

M3 3AW

Email: [foi@gmc-uk.org](mailto:foi@gmc-uk.org)

Fax: 0161 923 6201

Your request for information must be made in writing and you are entitled to a response within 20 working days.

## **Decommissioning of Services**

The GP Practice will retain legal responsibility for the information held about you until it is formally dissolved or until agreements are put in place to transfer responsibility.

## **Complaints**

If you have a complaint about or a service we provide, we will use your information to communicate with you and investigate any complaint if it's the responsibility of the Practice.

Please send all complaints to:

The Practice Operations Manager at the Hurley Clinic

If you are not happy with our responses and have exhausted all the avenues in the GP Practice Complaints Process and wish to take your complaint to an independent body, you can do this by contacting the Information Commissioner's Office in writing to the following address:

Wycliffe House  
Water Lane  
WILMSLOW  
Cheshire  
SK9 5AF

You can also telephone their helpline on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)