

## **Privacy Notice**

### **How we collect, look after and use your data.**

**This notice explains how Wetherby Surgery will collect, look after, use or otherwise process your personal data. “Personal data” is information relating to you as a living, identifiable individual.**

### **HOW IS MY INFORMATION COLLECTED AND LOOKED AFTER?**

#### **Who is responsible for my information?**

Wetherby Surgery is the data controller for your information and is responsible for looking after your record while you are a registered patient. The person with the key responsibility for data protection and security is Dan Carter, Head of Business Intelligence, Bank Top Business Centre, Bank Top Farm, Blackhill Road, Leeds, LS21 1PY.

Any queries or concerns should be raised with the practice first.

#### **Why do we collect information about you?**

As health professionals, we maintain records about you in order to support your care. By registering with the practice, your existing records will be transferred to us from your previous practice so that we can keep them up to date while you are our patient. If you do not have a previous medical record (a new-born child or coming from overseas, for example), we will create a medical record for you. We take great care to ensure that your information is kept securely, that it is up to date, accurate and used appropriately. All of our staff are trained to understand their legal and professional obligations to protect your information and will only look at your information if they need to.

#### **What information do we hold about you?**

Details about you, such as your name, address, carers, biological gender, gender identity, ethnic origin, date of birth, legal representatives and emergency contact details

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

#### **How is my information stored?**

Our practice uses a clinical records programme called SystmOne which is where any electronic information about you will be stored. Any information held in paper records is stored securely at the practice. We use a combination of working practices and technology to ensure that your information is kept confidential and secure.

#### **What is the legal basis that we use to process your information?**

We are required to tell you the legal basis that is used for the various ways we process and use your data. The following table sets the main ways your personal data may be used and the corresponding legal basis and category of data. Each purpose is covered in more detail within this notice to explain what these mean in more practical terms.

Purpose of using personal data	Legal basis of processing	Special category of data
Provision of direct care and related administrative purposes e.g., e-referrals to hospitals or other care providers	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.
For <b>Commissioning</b> and healthcare planning purposes e.g., collection of mental health data set via NHS Digital or local	GDPR Article 6(1)(c) – compliance with a legal obligation	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health
For planning and running the NHS (other mandatory flow) e.g., CQC powers to require information and records	GDPR Article 6(1)(c) – compliance with a legal obligation (the GP practice) Regulation 6(1)(e) – the performance of a task carried out in the public interest (CQC)	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health
For planning & running the NHS – national clinical audits	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest	GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) –

		public interest in the area of public health
For research	GDPR Article 6(1)(f) – legitimate interests...except where such interests are overridden by the interest or fundamental rights and freedoms of the data subject. GDPR Article 6(1)(e) – the performance of a task carried out in the public interest GDPR Article 6(1)(a) – explicit consent	GDPR Article 9(2)(j) – scientific or historical research purposes or statistical purposes
For safeguarding or other legal duties	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest Regulation 6(1)(c) – compliance with a legal obligation	GDPR Article 9(2)(b) – purposes of carrying out the obligations of ..social protection law.
When you request us to share your information e.g., subject access requests	GDPR Article 6(1)(a) – explicit consent	GDPR Article 9(1)(a) – explicit consent

### **When is my information shared?**

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

Data Protection legislation

Human Rights Act 1998

Common Law Duty of Confidentiality

Health and Social Care Act 2012

NHS Codes of Confidentiality, Information Security and Records Management

Information: To Share or Not to Share Review

### **How long does the practice hold my information?**

As long as you are registered as a patient with Wetherby Surgery your paper records are held at the practice along with your GP electronic record. If you register with a new practice, they will initiate the process to transfer your records. The electronic record is transferred to the new practice across a secure NHS data-sharing network and all practices aim to process such transfers within a maximum of 8 working days. The paper records are then transferred via Primary Care Services England (operated on behalf of NHS England by Capita) which can take longer. Primary Care Services

England also look after the records of any patient not currently registered with a practice and the records of anyone who has died.

Once your records have been forwarded to your new practice (or after your death forwarded to Primary Care Services England), a cached version of your electronic record is retained in the practice and classified as “inactive”. If anyone has a reason to access an inactive record, they are required to formally record that reason and this action is audited regularly to ensure that all access to inactive records is valid and appropriate. We may access this for clinical **Audit** (measuring performance), serious incident reviews, or statutory report completion (e.g., for HM Coroner).

### **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 such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

### **How can I see what information you hold about me?**

You have a right under data protection legislation to request to see what information the practice holds about you. You also have the right to ask for inaccuracies to be corrected and in some circumstances you have the right to request that we stop processing your data. Some of these rights are not automatic and we reserve the right to discuss with you why we might not comply with a request from you to exercise them.

If you make a Subject Access Request, we will:

Describe the information we hold about you

Tell you why we are holding that information

Tell you who it might be shared with

At your request, provide a copy of the information in an easy to read form.

In order to request this, you need to do the following:

Your request must be made in writing – for information from the hospital you should write direct to them

We will provide electronic copies (via online access, by email or on CDROM) free of charge.

We are required to respond to you within 1 month.

You will need to give enough information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

In some circumstances there may be a charge to have a printed copy of the information held about you. If this is the case, this will be discussed with you before any charge is made.

If you would like to make a Subject Access Request or have any further questions, please contact our Administration Team.

### **HOW IS MY INFORMATION USED?**

**For provision of direct care:**

In the practice, individual staff will only look at what they need in order to carry out such tasks as booking appointments, making referrals, giving health advice or provide you with care.

Sometimes your information may be used to run automated calculations. These can be as simple as calculating your Body Mass Index but they can be more complex and used to calculate some risks to your health that we should consider with you. The ones we use in practice include Qrisk (cardiovascular risk assessment – usually following an NHS Healthcheck), Qdiabetes (diabetes risk assessment) and eFI (electronic frailty index). Whenever we use these profiling tools, we assess the outcome on a case-by-case basis. No decisions about individual care are made solely on the outcomes of these tools but they are used to help us assess and discuss your possible future health and care needs with you.

We share information about you with other health professionals where they have a genuine need for it to support your care, as follows.

Recipient of data	Reason
Leeds Hospital Foundation Trust	Secondary or emergency care
Other national providers of health care who you choose to be referred to, in consultation with your healthcare professional	Secondary or specialist care
Leeds & York Partnership Foundation Trust	Mental health & learning disability services
Mid-Yorkshire Hospitals Trust	Diabetic eye-screening services
Leeds Community Healthcare Trust	District Nursing services
NHS National Diabetes Prevention Programme	Information and lifestyle education
Local Care Direct	Out of Hours primary care provider
Leeds City Council	Social Care services
Connect for Health	Social prescribing
Reed Momenta	Provider of One You Leeds services

Forward Leeds partnership	Provider of Forward Leeds drug & alcohol services
Calibre Care Partners Ltd	Provider of extended access appointments over the telephone and at local hubs.

**For Commissioning and healthcare planning purposes:**

In some cases, for example when looking at population healthcare needs, some of your data may be shared (usually in such a way that you cannot be identified from it). The following organisations may use data in this way to inform policy or make decisions about general provision of healthcare, either locally or nationally.

Leeds City Council: Public Health, Adult or Child Social Care Services

Embed Health Consortium (NHS **Commissioning** support unit)

Leeds Clinical **Commissioning** Group

NHS Digital (Formerly known as (HSCIC)

ResearchOne Database.

Other data processors which you will be informed of as appropriate.

In order to comply with its legal obligations we may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012.

This practice contributes to national clinical audits and will send the data which are required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form, for example, the clinical code for diabetes or high blood pressure.

**For research purposes:**

Research data is usually shared in a way that individual patients are non-identifiable. Occasionally where research requires identifiable information you may be asked for your explicit consent to participate in specific research projects. The surgery will always gain your consent before releasing any information for this purpose.

Where specific information is asked for, such as under the National Diabetes audit, you have the choice to opt of the audit.

**For safeguarding purposes, life or death situations or other circumstances when we are required to share information:**

We may also disclose your information to others in exceptional circumstances (i.e. life or death situations) or in accordance with Dame Fiona Caldicott's information sharing review (Information to share or not to share).

For example, your information may be shared in the following circumstances:

When we have a duty to others e.g. in child protection cases

Where we are required by law to share certain information such as the birth of a new baby, infectious diseases that may put you or others at risk or where a Court has decided we must.

**When you request to see your information or ask us to share it with someone else:**

If you ask us to share your data, often with an insurance company, solicitor, employer or similar third party, we will only do so with your explicit consent. Usually the requesting organisation will ask you to confirm your consent, often in writing or electronically. We check that consent before releasing any data and you can choose to see the information before we send it.

Please see the section [Sharing your Information](#) for more details of how your personal data is shared electronically within the NHS locally & nationally and your choices about being included in these sharing agreements.

**OBJECTIONS/CONCERNS/COMPLAINTS**

If you are happy for your data to be extracted and used for the purposes described in this notice then you do not need to do anything.

Should you have any concerns about how your information is managed at the practice, please contact Dan Carter, Head of Business Intelligence. If you are still unhappy following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) via their website [www.ico.org.uk](http://www.ico.org.uk), casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745

Sharing your information

**How can be my information be viewed outside of Wetherby Surgery**

Your health information can be shared both locally and nationally at differing levels of detail.

**For direct care locally in Leeds: Leeds Care Record**

Patients in Leeds are able to benefit from the sharing of information via the Leeds Care Record. This shares contact details, diagnosis list, medications, allergies, test results, referrals & letters and care plans between health professionals in Leeds. Information is shared by GP practices, the Hospital trusts, Community and Mental Health services, and Social Care.

You have the right to object to your Leeds Care Record being shared by contacting them directly. Details are available via their [website](#).

Download a leaflet on [Leeds Care Record](#)

This is also available in an Easy Read version please email [leeds.carerecord@nhs.net](mailto:leeds.carerecord@nhs.net) for a copy of this leaflet.

You can opt in and out of these sharing agreements whenever you choose. Details of these schemes are as follows:

**Nationally for direct care: Summary Care Record – sharing your information for your care across the NHS.**

Your core Summary Care Record is created when you register at a GP practice (although you should be given the option to opt in/out during your registration). If you do not express a preference, it is currently assumed that your consent is implied.

The **Summary Care Record** shares only your contact details, medications and allergies with other healthcare professionals involved in your care.

You can also choose to share a **Summary Care Record with Additional Information**. This shares contact details, medications, allergies, diagnosis list, care plans, end of life care and immunisations with other healthcare professionals. Sensitive data is excluded. A Summary Care Record with Additional Information will only be created for you if you explicitly choose this option. All current and past information is shared for each category.

Choosing to share a summary care record with additional information is thought to be of great benefit if you are admitted to hospital locally or elsewhere in the UK.

You can opt out of sharing any of your information in a Summary Care Record. If you decide not to share this will not affect your entitlement to care. However, it could result in the delivery of your care being less efficient as other health professionals will not have access to these parts of your medical history.

**You can change your mind about your Summary Care Record at any time.**

To register or change your Summary Care Record preferences, please contact us.

**Nationally: The national data-out. For purposes beyond direct care.**

NHS Digital is developing a new system to support the national data opt-out which will give patients more control over how identifiable health and care information is used for reasons other than your individual care and treatment. The system will offer patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used for purposes beyond their direct care such as research and planning purposes.

In the past, you may have already chosen to prevent your identifiable data leaving NHS Digital, known as a Type 2 opt-out. All existing Type 2 opt-outs will be converted to the new national data opt-out and this will be confirmed by a letter to all individuals aged 13 or over with an existing Type 2 in place. Once the national data opt-out is launched, it will no longer be possible to change preferences via local GP practices.

The national data opt-out is due to be launched on 25 May 2018.

More information is available via <https://digital.nhs.uk/national-data-opt-out>

More information about health and care records in general can be found on the NHS website here: [NHS Choices](#)

If you have any queries or concerns about how your information is handled, please do not hesitate to contact Dan Carter, Head of Business Intelligence for further information.