

Fair Processing & Privacy Notice

Introduction

How we use your personal information

This fair processing notice explains why the Practice collects information about you and how that information may be used.

The health care professionals who provide your care maintain records about your health and any treatment or care you have received previously. These records help to provide you with the best possible healthcare.

New entries to your NHS health records are made and stored electronically, but older records or records from a previous healthcare provider may be stored on paper. We use a combination of safe working practices, data protection technology, and physical security measures to ensure that your information is kept safe, confidential and secure.

The records the Practice hold about you may include the following information:

- Personal details about you; such as your current and previous names, date of birth, address; emergency contact details, etc.;
- Physical data and measurements; such as your height, weight, ethnicity, etc.;
- Any contact the surgery has had with you; such as appointments, clinic visits, telephone calls, 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;

(This list is not exhaustive)

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

Sometimes the Practice may search its database to find potential patients for clinical trials or for research purposes. The Practice will always gain your consent before releasing or processing information for this purpose.

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 to manage the NHS. Information may be used within the Practice for clinical audit purposes to monitor the quality of the services we provide.

Your Information; Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the [Data Protection Act \[2018\]](#) and the [EU General Data Protection Regulations \[2018\]](#) (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how the Practice will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future;

Data Controller and Data Protection Officer

As your registered GP Practice, Chesterfield Medical Partnership is the data controller for any personal data that we hold about you. Our ICO Data Protection Registration number: [ZA046739](#)

The Practice has appointed a Data Protection Officer (DPO) to monitor the safe processing of personal data:

The Data Protection Officer is **Mr B. Stone**

The DPO can be contacted on: **01246 232 946** or via admin.ashgate@nhs.net

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to the your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full address, postcode, next of kin and NHS number;

And

- 'Special category / sensitive data' such as your medical history, including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in center, social services, etc.). These records may be electronic, a paper record or a mixture of both. We use a combination of safe working practices and data protection technology to ensure that your information is kept safe, confidential and secure.

Why do we collect this information?

[The NHS Act \[2006\]](#) and the [Health and Social Care Act \[2012\]](#) invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care (particularly where the individual is a child or a vulnerable adult);
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research;
- Manage the health and social care system and services;

How is the information collected?

In addition to any information you have provided to us yourself, information about you will be collected either electronically using secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. Physical information in the form of letters reports or older paper medical records may also be sent to the Practice. This information will be retained within your electronic patient record or within your physical medical records.

Who will we share your information with?

In order to deliver and coordinate your health and social care, and in keeping with current data protection regulations, we may need to share information with the following organisations:

- NHS England;
- NHS Trusts / Foundation Trusts;
- NHS Commissioning Support;
- NHS Digital;
- Local GP Practices in order to deliver extended primary care services;
- Local or national hospitals, clinics, or other NHS services providing you with care;
- Private sector hospitals, clinics and services providing you with care;
- Independent Contractors such as dentists, opticians or pharmacists;
- Voluntary Support Organisations commissioned to provide services by North Derbyshire CCG;
- 111 and Out of Hours services;
- Local Social Services and Community Care services;
- Police and Judicial Services;

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that we can provide you the appropriate care.

How do we maintain the confidentiality of your records?

Chesterfield Medical Partnership is committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the [Records Management Code of Practice for Health and Social Care \[2016\]](#).

Consent and Objections: Do I need to give my consent?

GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP Practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. The Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent or objection will be documented within your electronic patient record.

What will happen if I withhold my consent or raise an objection?

You have the right to write to withdraw your consent any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact the Practice for further information and to raise your objection.

Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps GP Practices to determine if you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, NHS number, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care, your GP may be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse;
- Review and amend provision of current health and social care services;

The Practice will use computer based algorithms or calculations to identify their registered patients who are at most risk, this may be with support from the local Commissioning Support Unit and / or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by North Derbyshire CCG in accordance with the current Section 251 Agreement. [\[1\]](#) Neither the CSU nor your North Derbyshire CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.

The Practice will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic system, known as SystemOne, enables your record to be shared with organisations involved in your direct care, such as:

- Other GP Practices;
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services;
- Child health services that undertake routine treatment or health screening;
- Urgent care organisations, minor injury units or out of hours services;
- Community hospitals;
- Palliative care hospitals;
- Care Homes;
- Mental Health Trusts;
- Hospitals;
- Social Care organisations;
- Pharmacies;

In addition, NHS England have implemented the "[Summary Care Record](#)" which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

You have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting. You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Your Right of Access to Your Records

The Data Protection Act [2018] and GDPR allow you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”. If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request to:

Chesterfield Medical Partnership

Ashgate Manor
Ashgate Road
Chesterfield
S40 4AA

or email: admin.ashgate@nhs.net

Complaints

In the event that you feel that the Practice has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** to the Practice Manager(s) at the address listed above.

If you remain dissatisfied with our response you can contact the Information Commissioner’s Office (ICO) at:

Information Commissioner’s Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Enquiry Line: 01625 545 700

or online at www.ico.gov.uk

Please note: this only refers to complaints relating to the Practice’s processing of your personal information or our compliance with current data protection legislation. For general complaints, please refer to the Practice’s current Complaints Policy.

[\[1\]](#) A Section 251 Agreement allows the Secretary of State for Health and Social Care to grant permission for personal data to be used for the purposes of risk stratification in cases where it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.