

## **Regal Chambers Surgery** **Privacy Notice**

**We understand how important it is to keep your personal information safe and secure and we take this very seriously. We have taken steps to make sure your personal information is looked after in the best possible way and we review this regularly.**

**Please read this privacy notice (“Privacy Notice”) carefully as it contains important information about how we use the personal and healthcare information we collect on your behalf.**

### **1. WHY WE ARE PROVIDING THIS PRIVACY NOTICE**

We are required to provide you with this Privacy Notice by Law. It explains how we use the personal and healthcare information we collect, store and hold about you. If you are unclear about how we process or use your personal and healthcare information, or have any questions about this Privacy Notice or any other issue regarding your personal and healthcare information, then please contact the Data Controller.

The Law says:

- A. We must let you know why we collect personal and healthcare information about you;
- B. We must let you know how we use any personal and/or healthcare information we hold on you;
- C. We need to inform you in respect of what we do with it;
- D. We need to tell you about who we share it with or pass it on to and why; and
- E. We need to let you know how long we keep it for.

### **2. THE DATA PROTECTION OFFICER**

The contact details of the named, responsible Data Controller at the practice are:  
Dr Alastair Cruickshank, Senior Partner or Hayley Marshall, Business Manager

You can contact them via the generic practice email address ([E82075.regalchamberssurgery@nhs.net](mailto:E82075.regalchamberssurgery@nhs.net)) if:

- A. You have any questions about your information being held
- B. You require access to your information or if you wish to make a change to your information
- C. Any other query in relation to this Privacy Notice Policy and your rights as a patient.

Data Protection Officer (DPO) function for this practice is provided by Hertfordshire, Bedfordshire and Luton ICT services, hosted by East & North Herts Clinical Commissioning Group. If you wish to contact the DPO or have a concern about anything to do with the personal and healthcare information we hold about you (that was not resolved by your enquiry within the practice), please contact the Data Protection Officer at HBLICT hosted by ENHCCG at: [enhertsccg.dpo-gp.hblict@nhs.net](mailto:enhertsccg.dpo-gp.hblict@nhs.net)\*

Address: Charter House, Parkway, Welwyn Garden City, Herts AL8 6JL.

\*In this initial email please only indicate you wish to raise a concern about how your personal information is being processed. Please do not provide any details at this stage. On receipt of this email you will be contacted and requested to provide adequate, relevant and limited information necessary in relation to the purposes for which your concern is being processed.

If you are making a Subject Access Request (SAR) or require part of your medical record, please contact Rachael Sweeney (Finance, Records and Buildings Administrator) via 01462 453232 or email [rachaelsweeney@nhs.net](mailto:rachaelsweeney@nhs.net)

### 3. ABOUT US

We, at Regal Chambers Surgery (“the Surgery”) situated at 50 Bancroft, Hitchin, Herts SG5 1LL, are a **Data Controller** of your information. This means we are responsible for collecting, storing and handling your personal and healthcare information when you register with us as a patient.

There may be times where we also process your information. That means we use it for a particular purpose and, therefore, on those occasions we may also be **Data Processors**. The purposes for which we use your information are set out in this Privacy Notice.

### 4. INFORMATION WE COLLECT FROM YOU

The information we collect from you will include:

- A. Your contact details (such as your NHS number, name, address, telephone number, mobile number and email address, including place of work and work contact details);
- B. Details and contact numbers of your next of kin, carers, legal representatives ;
- C. Any contact the surgery has had with you such as appointments, clinic visits, emergency appointments, recorded telephone calls (both incoming and outgoing), CCTV images etc, information related to services provided, results of x-rays, laboratory tests
- D. Your age range, gender, ethnicity;
- E. Details in relation to your medical history;
- F. The reason for your visit to the Surgery;
- G. Medical notes and details of diagnosis and consultations with GPs and other health professionals within the Surgery involved in your direct healthcare.

### 5. INFORMATION ABOUT YOU FROM OTHERS

We also collect personal information about you when it is sent to use from the following:

- A. A hospital, a consultant or any other medical or healthcare professional, or any other person involved with your general healthcare as well as information that is collected on forms such as firearms applications, immigration matters, court orders etc

## 6. YOUR SUMMARY CARE RECORD

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England.

This record may be shared with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

You may have the right to demand that this record is not shared with anyone who is not involved in the provision of your direct healthcare. If you wish to enquire further as to your rights in respect of not sharing information on this record then please contact the Data Controller.

To find out more about the wide use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, please visit <https://nhs.uk/your-nhs-data-matters>

Note if you do choose to opt out, you can still consent to your data being used for specific purposes. However, if you are happy with this use of information you do not need to do anything. You may however change your choice at any time.

## 7. WHO WE MAY PROVIDE YOUR PERSONAL INFORMATION TO, AND WHY

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care Services, important information about you is collected to help ensure you get the best possible care and treatment. This information may be passed to other approved organisations where there is a legal basis, to help with planning services, improving care, research into developing new treatments and preventing illness. All of this helps in providing better care to you and your family and future generations. However, as explained in this Privacy Notice, confidential information about your health and care is only used in this way where allowed by law and would never be used for any other purpose without your clear and explicit consent.

We may pass your personal information on to the following people or organisations, because these organisations may require your information to assist them in the provision of your direct healthcare needs. It, therefore, may be important for them to be able to access your information in order to ensure they may properly deliver services to you:

If you are referred to an NHS or private healthcare professional, a full summary of your medical history will be enclosed with the referral.

- A. Hospital professionals (such as doctors, consultants, nurses etc);
- B. Other GPs/Doctors;
- C. Pharmacists;
- D. Nurses and other healthcare professionals;
- E. Dentists;

F. Any other person that is involved in providing services related to your general healthcare, including mental health professionals.

8. OTHER PEOPLE WHO WE PROVIDE INFORMATION TO

A. Commissioners;

B. Clinical Commissioning Groups;

C. Local Authorities;

D. Community Health Services;

E. When required by Law to hand over patient information to any other organisation such as the police, DVLA, by court order, solicitors or immigration enforcement.

F. Anyone you have given your consent to, to view or receive your record, or part of your record. Please note, if you give another person or organisation consent to access your record we will need to contact you to verify your consent before we release that record. It is important that you are clear and understand how much and what aspects of your record you give consent to be disclosed.

G. **Extended Access** (service offered by the local GP Federation, 12PointCare) – we have offered an Extended Access Service to our patients from October 2018 which means you can access medical services outside of your normal working hours. In order to provide you with this service, we have formal arrangements in place with the Clinical Commissioning Group and with other practices whereby a key “hub” practice will offer this service on our behalf for you as a patient to access outside of our opening hours. This means the key “hub” practice will have to access your medical record to be able to offer you the service. Please note to ensure that the practice complies with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.

The key hub practice is as follows:

The Sollershott Surgery, Letchworth

H. **Data Extraction by the Clinical Commissioning Group**– the clinical commissioning group at times extracts medical information about you, but the information we pass to them via our computer systems cannot identify you to them. This information only refers to you by way of a code that only your practice can identify (it is pseudo-anonymised). This therefore protects you from anyone who may have access to this information at the Clinical Commissioning Group from ever identifying you as a result of seeing the medical information and we will never give them the information that would enable them to do this.

There are good reasons why the Clinical Commissioning Group may require this pseudo-anonymised information, these are as follows:

- To assist in analysing current health services and proposals for developing future services.
- To develop risk stratification models to help GP's to identify and support patients with long term conditions and to help to prevent unplanned hospital admissions or reduce the risk of certain diseases developing such as diabetes.

- Using risk stratification to help the CCG to understand the health needs of the local population in order to plan and commission the right services.
- Case findings and risk stratification (this is to help identify people who might require support or additional information from services) – the automated review may be completed at the practice or in conjunction with the CCG risk stratification process

Further details on how the NHS East & North Hertfordshire CCG uses information to support their roles and responsibilities can be found on the CCG website: <http://www.enhertsccg.nhs.uk/how-we-use-information-about-you-fair-processing-notice>

- I. **National Diabetes Audit** – The National Diabetes Audit (NDA) is a major national clinical audit which measures the effectiveness of diabetes healthcare against NICE clinical guidelines and NICE quality standards. The NDA collects and analyses data for use by a range of stakeholders to drive changes and improvements in the quality of services and outcomes for people with diabetes. For more information please see <https://digital.nhs.uk/data-and-information/clinical-audits-and-registries/national-diabetes-audit>

If you do not want your information to be used, please inform, in writing, the receptionist, your GP or nurse. They will make sure that this is noted on your medical records, so your information is not included. This will not affect your care in any way.

- J. We use data processors who are third parties, who provide administration services for us to deliver health care services to you. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct. If you require further information please contact the practice or the DPO.

## 9. ANONYMISED INFORMATION

Sometimes we may provide information about you in an anonymised form. If we do so, then none of the information we provide to any other party will identify you as an individual and cannot be traced back to you.

## 10. YOUR RIGHTS AS A PATIENT

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

### A. Access and Subject Access Requests

You have the right to see what information we hold about you and to request a copy of this information.

If you would like a copy of the information we hold about you, please email Rachael Sweeney, Finance Records and Buildings Administrator ([rachaelsweeney@nhs.net](mailto:rachaelsweeney@nhs.net)). We will provide this information free of charge, however, we may in some limited and exceptional circumstances have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive.

We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.

#### **B. Online Access**

You may ask us if you wish to have online access to your medical record. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

Under 16's – please refer to the [Childrens Privacy Notice](#)

#### **C. Correction**

We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details including your mobile phone number has changed.

#### **D. Removal**

You have the right to ask for your information to be removed, however, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.

#### **E. Objection**

We cannot share your information with anyone else for a purpose that is not directly related to your health e.g. medical research, educational purposes etc. We would ask you for your consent in order to do this, however, you have the right to request that your personal and healthcare information is not shared by the Surgery in this way. Please note the Anonymised Information section in this Privacy Notice.

#### **F. Transfer**

You have the right to request that your personal and/or healthcare information is transferred, in an electronic form (or other form) to another organisation, but we will require your clear consent to be able to do this.

### **11. THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD**

Sometimes we record information about third parties mentioned by you to use during any consultation. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality are removed before we sent any information to any other party including yourself. Third parties can include spouses, partners and other family members.

### **12. HOW WE USE INFORMATION ABOUT YOU**

We use your personal and healthcare information in the following ways:

- A. When we need to speak to or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or ongoing healthcare;
- B. When we are required by Law to hand over your information to any other organisation, such as the police, by court order, solicitors or immigration enforcement.

***We will never pass on your personal information to anyone else who does not need it, or who has no right to it, unless you give us clear consent to do so.***

### **13. LEGAL JUSTIFICATION FOR COLLECTING AND USING YOUR INFORMATION**

The Law says we need a legal basis to handle your personal and healthcare information.

**CONTRACT:** We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

**CONSENT:** Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

**NECESSARY CARE:** Providing you with the appropriate healthcare, where necessary. The Law refers to this as “protecting your vital interests” where you may not be in a position to consent.

**LAW:** Sometimes the Law obliges us to provide your information to an organisation (see above).

The legal justification for collecting and using personal and healthcare information is as follows:

Direct care and administration of direct care: Article 6(e) Article 9(h)

Planning: Article 6 Public task, Article 9(h) Healthcare

NHS Digital/CQC: Legal obligation, Article 9(h)

Lawful basis for processing telephone recordings/CCTV – for quality, security and safety reasons: Article 6(1) (f) of the GDPR.

### **14. SPECIAL CATEGORIES**

The Law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

**PUBLIC INTEREST:** Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment:

**CONSENT:** When you have given us consent;

**VITAL INTEREST:** If you are incapable of giving consent and we have to use your information to protect your vital interests (e.g. if you have had an accident and you need emergency treatment);

**DEFENDING A CLAIM:** If we need your information to defend a legal claim against us by you or by another party;

**PROVIDING YOU WITH MEDICAL CARE:** Where we need your information to provide you with medical and healthcare services.

## **15. HOW LONG WE KEEP YOUR PERSONAL INFORMATION**

We carefully consider any personal information that we store about you, and we will not keep your information for longer than is necessary for the purposes set out in this Privacy Notice.

Access to CCTV images are restricted to Data Controller and Responsible Individuals. The images are kept on our system for 28 days.

Access to Telephone Recordings are restricted to the Data Controller, Business Manager and Deputy Business Manager. Both incoming and outgoing recordings are kept on the system for 12 months.

In line with the most current NHS Digital Records Management Code of Practice for Health and Social Care, if a patient moves away/registers with another practice, the patient records will be sent to the new practice in accordance with NHS guidelines.

## **16. UNDER 16s**

Please refer to the separate [Childrens Privacy Notice](#).

Please note that the practice has made the decision to no longer allow online access for under 16 year olds. This is to ensure that confidential patient information is safeguarded. Please contact Rachael Sweeney, Finance, Records & Buildings Administrator if you are under 16 and wish to access information in your health record.

## **17. IF ENGLISH IS NOT YOUR FIRST LANGUAGE**

If English is not your first language, you may be able to request a translation of this Privacy Notice from the practice.

## **18. COMPLAINTS**

If you have a concern about the way we handle your personal data or you have a complaint about what we are doing, or how we have used or handled your personal and/or healthcare information, then please contact the Data Protection Officer at HBLICT hosted by ENHCCG\* on [enhertscgg.dpo-gp.hblict@nhs.net](mailto:enhertscgg.dpo-gp.hblict@nhs.net)

\*In this initial email, please only indicate you wish to raise a concern about how your personal information is being processed. Please do not provide any details at this stage. On receipt of this email you will be contacted and requested to provide adequate, relevant and limited information necessary in relation to the purposes for which your concern is being processed.

However, you have a right to raise any concern or complaint with the UK information regulator, at the Information Commissioners Office: <http://ico.org.uk>

## **19. OUR WEBSITE**

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

## **20. COOKIES**

The Surgery's website uses cookies. For more information on which cookies we use and how we use them, please see our Cookies Policy.

## **21. SECURITY**

We take the security of your information very seriously and we do everything we can to ensure that your information is always protected and secure. We regularly update our processes and systems and we also ensure that our staff are properly trained. We also carry out assessments and audits of the information we hold about you and make sure that if we provide any other services, we carry out proper assessments and security reviews.

Please update us with any changes to your contact details to assist us in keeping your records up to date.

## **22. TEXT MESSAGING AND CONTACTING YOU**

Because we are obliged to protect any confidential information we hold about you and take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care. Therefore you must ensure that we have your up to date details. This is to ensure we are sure we are actually contacting you and not another person.

## **23. WHERE TO FIND OUR PRIVACY NOTICE**

You may find a copy of the Privacy Notice in the Surgery's reception, on our website, or a copy may be provided on request.

## **24. CHANGES TO OUR PRIVACY NOTICE**

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on 28February 2019.