

JUNCTION SURGERY PATIENT PRIVACY NOTICE

How we use your personal information

This fair processing notice explains why the GP practice collects information about you and how that information may be used. 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 hold about you may include the following information;

- Details about you, such as your address, carer, legal representative, 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

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 be used within the GP practice 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 gain your consent before releasing the information for this purpose.

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:

- Data Protection Act 1998
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- General Data Protection Regulations 2018
- Information: To Share or Not to Share Review

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

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), where the law requires information to be passed on and / or in accordance with the new information sharing principle following Dame Fiona Caldicott's information sharing review (Information to

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share or not to share) where “The duty to share information can be as important as the duty to protect patient confidentiality.” This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

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;

Signatories as at November 2017

Action for Children Airedale NHS Foundation Trust Barnsley Metropolitan Borough Council
Barnsley Hospital NHS Foundation Trust The Basement Project Berneslai Homes Bradford District Care Trust
Bradford Teaching Hospitals NHS Foundation Trust Bradford Trident Burley Parish Council
Calderdale and Huddersfield NHS Foundation Trust Calderdale Metropolitan Borough Council Centrepoint
City of Bradford Metropolitan District Council Community Links Cook Lane Surgery DISC Barnsley recovery
steps Forget Me Not Children’s Hospice Halifax Opportunities Trust Healds Road Surgery Healthwatch Kirklees
Healthwatch Wakefield Home Start Calderdale Home Start Kirklees Huddersfield University Independent
Domestic Abuse Services Insight Healthcare The Junction Surgery Kirklees Metropolitan Council Kirklees
Neighbourhood Housing Leeds City Council Leeds College of Building Lifeline Project (Kirklees) Lindley Village
Surgery Liversedge Health Centre Locala Community Partnerships Local Care Direct Manningham Housing
Association Mid Yorkshire NHS Hospitals Trust Newman School NHS Airedale, Wharfedale and Craven CCG
NHS Barnsley CCG NHS Bassetlaw CCG NHS Bradford City CCG NHS Bradford Districts CCG NHS Calderdale CCG
NHS Doncaster CCG NHS England (West Yorkshire Area Team) NHS Greater Huddersfield CCG NHS Leeds CCG
NHS North Kirklees CCG NHS Sheffield CCG NHS Wakefield CCG North Halifax Partnership Northorpe Hall Child
and Family Trust Novus Health Pennine GP Alliance Pinnacle Housing Limited NHS Rotherham CCG Rotherham
MBC The Rotherham NHS Foundation Trust Sandale Community Development Trust SchARR-University of
Sheffield Sheffield Children’s NHS Foundation Trust Sheffield City Council Sheffield Health and Social Care NHS
Foundation Trust Sheffield Teaching Hospitals NHS Foundation Trust South West Yorkshire Partnership
Foundation NHS Trust South Yorkshire Fire and Rescue South Yorkshire Housing Association South Yorkshire
Police Stonewater Together Housing Group Turning Point Wakefield and District Housing Wakefield Hospice
Wakefield Metropolitan District Council Wakefield Youthwork Team West Wakefield Health and Wellbeing
West Yorkshire Combined Authority West Yorkshire Community Rehabilitation Company Limited West
Yorkshire Fire Service West Yorkshire Joint Services West Yorkshire Police Yorkshire Ambulance Service
Yorkshire Children’s Centre Yorkshire Housing

You will be informed who your data will be shared with and in some cases asked for explicit consent for this happen when this is required.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

Access to personal information

You have a right under the Data Protection Act 1998 to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. In order to request this, you need to do the following:

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- Your request must be made in writing to the Data Controller – for information from the hospital you should write direct to them
- There may not be a charge to have a printed copy of the information held about you
- We are required to respond to you within one calendar month
- You will need to give adequate 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.
- You will need to be as specific as possible in your request for information to ensure it is not excessive.

Please note we have CCTV in use at all times. A copy of our CCTV policy is available on request.

Objections / Complaints

Should you have any concerns about how your information is managed at the GP surgery, please contact the GP Practice Manager. 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.gov.uk).

Retention periods

Paper Patient Records:

20 years after last recording. 10 years after death. For patients treated under the Mental Health Act retain for 30 years after last recording

Computerised Records:

The recommended minimum retention periods apply to both paper and computerised records,. Re-recording/migration of data will also need to be considered as equipment and software become obsolete. For guidance, see the Public Record Office guidance, Management and Appraisal of electronic Records (1998)

<https://digital.nhs.uk/codes-of-practice-handling-information>

What we plan to do with it and how you use it

Please see article 6.1 below.

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.

Notification

The Data Protection Act 1998 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information. This information is publicly available on the Information Commissioners Office website www.ico.org.uk The practice is registered with the Information Commissioners Office (ICO).

Who is the Data Controller?

The Data Controller, responsible for keeping your information secure and confidential is:
Dr R Ali – Principle GP, Junction Surgery Ltd.

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Who is the Data Protection Officer?

The data Protection Officer is: Julie Sunderland – Practice Manager, Junction Surgery Ltd.

Who are Data processors?

All staff within the surgery are data processors, including staff sub-contracted to the surgery such as clinical pharmacists, auditors, locum nurses and GP's. All our staff and some sub-contractors have access to your records on a 'need to know basis' We also send information to the NHSBA Prescription Prescribing Authority who reimburse us for specific drugs and vaccines. They have provided information on their own privacy statement which is appended to this notice.

Complaints

Should you have any concerns about how your information is managed by the Practice please contact the Practice Manager at the following address:

The Practice Manager, Junction Surgery Ltd, Birkhouse Lane, Moldgreen, Huddersfield HD5 8BE

If you are still unhappy following a review by the Practice you can then complain to the Information Commissioners Office (ICO). www.ico.org.uk, casework@ico.org.uk, telephone: 0303 123 1113 (local rate) or 01625 545 745

Legal basis

The legal basis on which the surgery relies on is;

Article 6.1

- a) Processing shall be lawful only if and to the extent that at least one of the following applies:
- b) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
- c) processing is necessary for **compliance with a legal obligation** to which the controller is subject;
- d) processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
- e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller
- f) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

GP's also come under the **Special Category Condition**.

9.2(a) – the data subject has given explicit consent – to the processing of those personal data for one or more specified purposes...

9.2(b) – processing is necessary for the purposes of carrying out the obligation and exercising specific rights of the controller or of the data subject in the field of employment and social security...

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9.2(c) – processing is necessary to protect the vital interests of the data subject or any other natural person where the data subject is physically or legally of incapable of giving consent.

9.2(d) – processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not for profit body with a political, philosophical religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contract with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subject.

9.2(e) – processing relates to personal data which are manifestly made public by the data subject

9.2(f) – processing is necessary for the establishment, exercise or defence of legal claim or wherever courts are acting in their judicial capacity

9.2(g) – processing is necessary for reasons of substantial public interest on the basis of union or member state law which shall be proportionate to the aim pursued...

9.2(h) – processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health or social care systems and services on the basis of union or member states law or pursuant to contract with a health professional and subject to the condition and safeguards referred to in paragraph 3 (common law duty of confidentiality)

9.2(i) – processing is necessary for the reason of public interest in the area of public health...

9.2(j) – processing is necessary for archiving purposes in the public interest, scientific or historical research purposes...