

Priory Medical Group - Privacy Policy

Coronavirus (COVID-19) pandemic and your information

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the COVID-19 pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20th March 2020 the Secretary of State for Health and Social Care issued a notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

Please note that this notice has now been revised and extended by a further notice from 10 September 2021 until 31st March 2022.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non-clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the COVID-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease. Additionally, the use of your information is now required to support NHS Test and Trace.

Please be assured that we will only share information and health data that is necessary to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on 31st March 2022 unless a further extension is required. Any further extension will be provided in writing, and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

Consent to process your data

Processing is for direct patient care and GP practices must establish both a lawful basis for processing and a special category condition for processing to comply with the General Data Protection Regulation (GDPR) / Data Protection Act 2018.

The lawful basis for processing is Article 6(1)(e) 'necessary in the exercise of official authority vested in the controller' and the special category condition is Article 9(2)(h) '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 or social care or treatment or the management of health or social care systems and services'.

Where disclosures are a legal requirement the lawful basis and special category condition for processing are: Article 6(1)(c) '...for compliance with a legal obligation...' and Article 9(2)(h) '...management of health or social care systems...'

The surgery will always gain your consent before releasing the information for this purpose, the GDPR lawful basis and special category condition are Article 6(1)(e) '...for the performance of a task carried out in the public interest...' and Article 9(2)(j) '...research purposes...'

How the NHS and care services use your information

Priory Medical Group is one of many organisations working in the health and care system to improve care for patients and the public:

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and

<https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

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:

- EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR)
- Data Protection Act 2018
- Human Rights Act 1998 Common
- Health and Social Care Act 201 NHS Codes of Confidentiality,
- Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff who works for an NHS organization 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 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. On rare occasions the information that you provide may be disclosed without your consent: this would only be if the safety of a child or vulnerable adult is felt to be at serious risk. 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;

- NHS Trusts / Foundation Trusts
- GP's
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts

- Clinical Commissioning Groups
- Social Care Services
- NHS Digital
- Nimbuscare Improving Access
- The Yorkshire & Humber Care Record
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors' which you will be informed of

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.

The Yorkshire & Humber Care Record

The Yorkshire & Humber Care Record is a shared system that allows Healthcare staff within the Humber, Coast and Vale Health and Social Care community to appropriately access the most up-to-date and correct information about patients, to deliver the best possible care.

The Yorkshire & Humber Care Record Guarantee is our commitment that we will use records about you in ways that respect your rights and promote your health and wellbeing.

If you would like any further information, or would like to discuss this further, please contact Data Protection Officer at the following email address dpo@priorymedical.com

Live Chat

We use live chat software on our website, this is provided by Click4Assistance, a 3rd party UK based Software Company. Information regarding how the data is processed and stored can be viewed here.

<https://www.click4assistance.co.uk/click4assistance-web-chat-software-cookie-policy.>

Call Recording

The surgery has the ability to record telephone calls to protect patients and staff and other health workers. Patients are protected by our having a record of our conversations with you, staff and other health workers are protected from potential abuse. The surgery does not record all calls but if a decision is made in the future to record all calls, then patients will be informed. We also occasionally use recordings for staff training and quality control

We will make this clear to you when you contact us by telephone. Calls that contain only administrative information, such as enquiries about appointments, are only retained for 4 weeks and are then will be routinely deleted. Calls, or transcripts of calls, audio or audio-visual recordings or elements of the discussion you have with the clinicians that contain clinical information may be retained for longer periods but only as long as necessary e.g. if a complaint is made they will be deleted once there is resolution.

The recordings are stored on the surgery telephone system and are protected through the companies GDPR Policy. These recordings will not usually be shared outside the practice. If we hold recordings that have not been deleted you can ask for copies by putting to **dpo@priorymedical.com**

Medicines Management

Your GP Practice supports a medicines management review service of medications prescribed to its patients. This service involves a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. This service is provided by qualified and registered healthcare professionals from within the GP practice, our NHS Primary Care Network, NHS Vale of York Clinical Commissioning Group or by external partners approved by the GP practice. Patient identifiable information does not leave the practice system but is accessed to ensure only appropriate clinical recommendations or decisions are made for each patient. Each patient can opt out of (or back into) the practice using their data for anything other than specified purposes or where there is a lawful requirement to do so.

Your rights in relation to your data

- Right to Access – please see the ‘access to personal information’ section below
- Right of rectification - right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
- Right to object – you have the right to object to the processing of your data at anytime

Please speak to a receptionist or contact the Data Protection Officer at the following email address dpo@priorymedical.com to discuss or action your rights

Access to personal information

You have a right 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. This is known as a ‘subject access request’ (SAR), in order to request this, you need to do the following:

- Your request can be made verbally or in writing to any staff member – for information from the hospital you should write direct to them
- No charge will be made to provide the information
- We are required to respond to you within 1 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 by reasonable means and your records located

How long data will be retained

We will hold, protect and maintain your data for as long as the patient / doctor relationship is in place, this will either be until your death or if you decide to move to another GP practice, if you do move to another practice your data will follow you.

Objections / Complaints

Should you have any concerns about how your information is managed at the GP, please contact the Data Protection Officer. 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).

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

Cookies

We use cookies to ensure that we give you the best experience on our website. By using our website you agree to our use of cookies, we have a cookies policy if you require further information which can be viewed at <https://www.priorymedical.com/cookies.html>

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

GDPR 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:

Priory Medical Group

Complaints

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

dpo@priorymedical.com

Alternatively you can contact our Data Protection Officer by writing to

Data Protection Officer, Priory Medical Centre, Cornlands Road, Acomb, York YO24 3WX

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