

# PORTER BROOK MEDICAL CENTRE AND STUDENT HEALTH AT SHU

## PATIENT PRIVACY NOTICE

**THIS PRIVACY NOTICE EXPLAINS WHY WE, YOUR GP PRACTICE, COLLECT INFORMATION ABOUT YOU AND HOW THAT INFORMATION IS USED.**

### 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 (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how your GP 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

As your registered GP practice, we are the data controller for any personal data that we hold about you.

### 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 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 postcode, address, next of kin and NHS number and email address  
**AND**
- **‘Special category / sensitive data’** such as medical history including details of appointments, clinic visits 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. Relevant information from other health professionals, relatives or those who care for you

Your healthcare records contain information about your health and any treatment or care you have received previously e.g. from a hospital or minor injuries unit, GP surgery, community care provider, mental health care provider, Walk-in Centre, social services. These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

## **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?**

Your information will be collected either electronically using secure NHS Mail or a secure electronic transfer over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your electronic patient record or within your physical (paper) medical records.

## **WHO WILL WE SHARE YOUR INFORMATION WITH?**

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services
- NHS Trusts/ Foundation Trusts
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups (CCG)
- Social Care Services
- Health and Social Care Information Centre (HSCIC)
- Local Authorities
- Education Services

- Fire and Rescue Services
- Police and Judicial Services
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations commissioned to provide services by Sheffield CCG
- Other 'data processors'

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 the appropriate care.

In addition we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve "out of hospital care".

## **HOW DO WE MAINTAIN THE CONFIDENTIALITY OF YOUR RECORDS?**

We are 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?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. However consent is only one potential lawful basis for processing information. Therefore we 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. Your consent will be documented within your electronic patient record.

### **RIGHT TO WITHDRAW CONSENT FOR US TO SHARE YOUR PERSONAL INFORMATION**

At any time you have the right to refuse/withdraw consent to information sharing. The possible consequences will be fully explained to you and could include delays in receiving care. If you wish to discuss this, please contact reception who will forward your request to the Practice Manager / IT & Data Quality Manager. Please ensure that you provide use with the best way for us to contact you to discuss the consent withdrawal.

## **SHARING OF ELECTRONIC PATIENT RECORDS WITHIN THE NHS**

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

- GP practices

- Community services such as district nurses, health visitors, rehabilitation services 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 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.

Your record will be automatically setup to be shared with the organisations listed above. These organisations will only be able to view your shared record if they are actually providing you with care. However, 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.

## **SUMMARY CARE RECORDS**

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.

As above, you have the right to withdraw your summary care record at any time.

## **RISK STRATIFICATION**

Risk stratification is a process for pro-actively identifying and managing patients who are statistically at-risk of unplanned admission to hospital or likely to require additional healthcare input. Information about you is collected from a number of sources including NHS Trusts and GP Practices. A risk score is then arrived at through an analysis of your de-identified information using software managed by an agreed 3rd party provider and is then provided back to your GP practice. If necessary we may be able to offer you additional services, following this risk stratification process.

Risk stratification is commissioned by the NHS Sheffield Clinical Commissioning Group (CCG). Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information about risk stratification is available from:

<https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose. Our other services are not subject to Risk Stratification purposes.

## **MEDICINES MANAGEMENT**

The Practice may conduct Medicine Management reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. This service is provided to Practices within Sheffield through the Sheffield Clinical Commissioning Group.

## **INVOICE VALIDATION**

If you have received treatment within the NHS your personal information may be shared within a strictly monitored, secure and confidential environment in order to determine which Clinical Commissioning Group should pay for the treatment or procedure you have received.

Information such as your name, address and date of treatment may be passed on to enable the billing process - these details are held in a secure environment and kept confidential. This information will only be used to validate invoices, and will not be shared for any further commissioning purposes.

## **FRAUD PREVENTION**

We are required by law to protect the public funds we administer. Porter Brook Medical Centre & Student Health at SHU may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

## **CLINICAL AUDIT**

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes. Where we do this we take strict measures to ensure that individual patients cannot be identified e.g. the National Diabetes Audit.

## **CLINICAL RESEARCH**

Sometimes your information may be requested to be used for research purposes. Porter Brook Medical Centre & Student Health at SHU will always gain your consent before releasing the information for this purpose.

## **CABINET OFFICE**

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice. You can view further information on the Cabinet Office's legal powers and the reasons why it matches particular information.

<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-nationalfraud-initiative>

## **SAFEGUARDING**

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

## DATA RETENTION

We will approach the management of patient records in line with the Records Management NHS Code of Practice for Health and Social Care which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

## YOUR RIGHT OF ACCESS TO YOUR RECORDS

The Data Protection Act and General Data Protection Regulations allows you to access or view what information is held about you including information held within your medical records, either in electronic or physical format and to have it amended should it be inaccurate. 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 such as the hospital 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.

To request access to your GP record you will need to give adequate information for example your full name, address, date of birth, NHS number and details and purpose of your request so that your identity can be verified, and your records located.

Your written request should be sent to:

The Practice Manager  
Porter Brook Medical Centre  
9 Sunderland Street  
Sheffield S11 8 HN

Please note we are required to respond to you within one calendar month from receipt of your request.

## MOBILE TELEPHONE NUMBER / EMAIL ADDRESS

If you provide us with your mobile phone number we may use this to send you reminders about your appointments or other health screening information. Please let us know if you do not wish to receive reminders on your mobile.

## NOTIFICATION

The General Data Protection Regulation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

We are registered as a data controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what we cover/register of data controllers](http://ico.org.uk/what_we_cover/register_of_data_controllers)

## COMPLAINTS / OBJECTIONS

In the event that you feel we have 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 at:

Porter Brook Medical Centre  
9 Sunderland Street  
Sheffield S11 8 HN

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at [www.ico.gov.uk](http://www.ico.gov.uk)