

**SPENCER STREET SURGERY
PRACTICE FAIR PROCESSING
& PRIVACY NOTICE**

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.

We hold your medical record so that we can provide you with safe care and treatment. We will also use your information so that this practice can check and review the quality of the care we provide. This helps us to improve our services to you.

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.

We are required by law to provide you with the following information about how we handle your information:

Data Controller contact details	Spencer Street Surgery 10 Spencer Street Carlisle CA1 1BP
Data Protection Officer contact details	Practice data Protection Officer – Julie Swan, Managing Partner. E: julieswan@nhs.net Independent Data Protection Officer – Yvonne Salkeld, Cumbria Partnership NHS Foundation Trust

<p>Purpose of the processing</p>	<ul style="list-style-type: none"> • To give direct health or social care to individual patients. • For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care. • To check and review the quality of care. (This is called audit and clinical governance).
<p>Lawful basis for processing</p>	<p>These purposes are supported under the following sections of the GDPR:</p> <p><i>Article 6(1)(c) ‘necessary for compliance with a legal obligation to which the controller is subject;...’ and</i></p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and</i></p> <p><i>Article 9(2)(b) ‘necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject; and</i></p> <p><i>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...’</i></p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>

<p>Recipient or categories of recipients of the processed data</p>	<p>The Practice will share data with relevant organisations and individuals as listed below but only with a lawful process condition to do so:</p> <ul style="list-style-type: none"> • Healthcare professionals and staff in this surgery; • Local hospitals; • Out of hours services; • Diagnostic and treatment centres; • Other organisations involved in the provision of direct care to individual patients. • NHS Digital • For risk stratification purposes • Our patients • Family, associates and representatives of the person whose personal data we are processing • Staff • Current, past or potential employers • Healthcare social and welfare organisations • Suppliers, service providers, legal representatives, • Auditors and audit bodies • Educators and examining bodies • Research organisations • People making an enquiry or complaint • Financial organisations • Professional advisors and consultants • Business associates • Police forces • Security organisations • Central and local government • Voluntary and charitable organisations
<p>What information do we collect and use?</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • ‘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 <p>And</p>

	<ul style="list-style-type: none"> • ‘Special category / sensitive data’ such as 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. <p>Processing your information in this way and obtaining your consent ensures that we comply with Articles 6(1)(c), 6(1)(e), 9(2)(b) and 9(2)(h) for the GDPR.</p> <p>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 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.</p> <p>As part of the NHS constitution, the NHS actively encourages feedback from the public, patients and staff, and welcomes its use to improve its services. The Friends and Family Test (FFT) is a feedback mechanism for patients about their experience. The Practice uses SMS technology to communicate with patients to gain their feedback. Feedback is collated and shared with NHS Digital but is not presented or published in a way that allows individuals to be identified unless there is a lawful basis to do so. Your information will not be transferred outside of the European Union.</p>
<p>Why do we collect this information?</p>	<p>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:</p> <ul style="list-style-type: none"> • 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; and • Manage the health and social care system and services.

<p>How is the information collected?</p>	<p>Your information will be collected either electronically using secure NHS Mail or a secure electronic transmission over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.</p>
<p>How the NHS and care services use your information & how to opt out.</p>	<p>Spencer Street Surgery is one of many organisations working within the health and care system to improve care for patients and the public. Whenever you use a health or care service, such as attending your local GP, important information about you is collected in a patient record. Collecting this information helps to ensure you get the best possible care and treatment from any healthcare provider whose services you may require. 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:</p> <ul style="list-style-type: none"> • improving the quality and standards of care provided • research into the development of new treatments • preventing illness and diseases • monitoring safety • planning services • emergency treatment <p>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 permitted by law. Most of the time, anonymous data is used for research and planning purposes so that individuals cannot be identified, in which case your confidential patient information isn't needed.</p> <p>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:</p> <ul style="list-style-type: none"> • 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

	<p>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).</p> <p>You can change your mind about your choice at any time.</p> <p>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. Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Spencer Street Surgery is currently compliant with the national data opt-out policy.</p>
<p>Sharing of Electronic Patient Records within the NHS & The Benefits of the Summary Care Record</p>	<p>Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems (such as EMIS) enables your record to be shared with organisations involved in your direct care, such as:</p> <ul style="list-style-type: none"> • 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 including A&E, minor injury units or out of hours services • Community hospitals • Palliative care hospitals • Care Homes • Mental Health Trusts • Hospitals • Social Care organisations • Pharmacies <p>In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any allergies or reactions to medication that you have had in the past. An “enriched” summary care record is a higher level of summary care record and contains details of your medical history – the enriched record will be shared with your prior consent.</p>

	<p>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.</p> <p>Your record will be automatically setup to be shared with the organisations listed above, 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.</p> <p>You can also reinstate your consent at any time by giving your permission to override your previous dissent.</p>
<p>How do we maintain the confidentiality of your records?</p>	<p>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.</p> <p>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.</p> <p>We adhere to the General Data Protection Regulation (GDPR), the NHS Codes of Confidentiality and Security, as well as guidance issued by the Information Commissioner's Office (ICO).</p>
<p>Right to Automated Decision Making</p>	<p>We undertake automated decision making activities and we will implement suitable measures to safeguard your rights as a data subject. Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, NHS number, diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will 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. Risk Stratification is used in the NHS to:</p> <ul style="list-style-type: none"> • Help decide if a patient is at a greater risk of suffering from

	<p>a particular condition;</p> <ul style="list-style-type: none"> • Prevent an emergency admission; • Identify if a patient needs medical help to prevent a health condition from getting worse; and/or • Review and amend provision of current health and social care services. <p>Your GP will use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit (CSU) and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by NHS North Cumbria Clinical Commissioning Group (CCG) in accordance with the current Section 251 Agreement. Neither the CSU nor your local 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.</p> <p>Your GP 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.</p> <p>A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.</p> <p>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.</p>
<p>Data we get from other organisations</p>	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service. 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 the care we provide for our patients.</p>
<p>Invoice Validation</p>	<p>If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your</p>

	<p>personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement, and will not be shared for any further commissioning purposes.</p>
<p>Rights to object</p>	<ul style="list-style-type: none"> • You have the right to object to information being shared between those who are providing you with direct care (see opt outs above). • This may affect the care you receive – please speak to the practice. • You are not able to object to your name, address and other demographic information being sent to NHS Digital. • This is necessary if you wish to be registered to receive NHS care. • You are not able to object when information is legitimately shared for safeguarding reasons. • In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm. • The information will be shared with the local safeguarding service
<p>Consent and Objections</p>	<p>Do I need to give my consent?</p> <p>The 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. Your GP 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 will be documented within your electronic patient record.</p> <p>What will happen if I withhold my consent or raise an objection?</p> <p>You have the right to object to information being shared for your own care, provided consent is the legal basis for the processing. Please speak to the practice if you wish to object.</p>

<p>Right to access and correct</p>	<p>You have the right to access your medical record and have any errors or mistakes corrected.</p> <p>You can sign up to Patient Access to view your medical record at any time and this is our preferred method of you accessing your records.</p> <p>Please speak to a member of staff on reception about Patient Access, a form can be downloaded from our website.</p> <p>Alternatively look at our 'subject access request' policy on the practice website. We ask you to include an email address we can send copies of medical records to if the file size allows.</p> <p>http://www.spencerstreetsurgery.co.uk/info.aspx?p=7&pr=A82018</p> <p>We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</p>
<p>Retention period</p>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</p>

<p>Right to complain</p>	<p>If you have a complaint about the Practice we will use your information to communicate with you and investigate any complaint. Please note that the complaint will not form part of your health care record. In the event that you feel your GP 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 at:</p> <p style="text-align: center;">Spencer Street Surgery 10 Spencer Street Carlisle CA1 1BP</p> <p>If you remain dissatisfied with our response you can contact the Information Commissioner's Office at :</p> <p style="text-align: center;">Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF</p> <p>or follow this link https://ico.org.uk/global/contact-us/</p> <p>or call the helpline -0303 123 1113</p>
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What to do if you have any questions

Should you have any questions about our privacy policy or the information we hold about you, you can:

1. GP Practices are data controllers for the data they hold about their patients. Contact the Practice Manager via email: julieswan@nhs.net.
2. Write to the data controller at:
 Spencer Street Surgery
 10 Spencer Street
 Carlisle
 CA1 1BP
3. Or Speak to a member of the management team at Spencer Street Surgery.

The External Data Protection Officer (DPO) for Spencer Street Surgery is Yvonne Salkeld – Cumbria Partnership NHS Foundation Trust. The Practice nominated Data Protection Officer is Julie Swan, Managing Partner.