

# **Adderley Green Medical Services Ltd**

## **Adderley Green Surgery/Willow Bank Surgery**

### **PRIVACY NOTICE**

How we use your personal information

The Privacy Notice explains why the GP practice collects information about you and how that information may be used.

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 are used to help to provide you with the best possible healthcare.

NHS health care 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 this GP Practice hold about you may include the following information;

Details about you, such as your name, address, carers, legal representatives and 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.

### **Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re) admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by our CCG and is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services. Please note that you have the right to opt out of your data being used in this way.

### **Med Management**

The Practice may conduct Medicines 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 Stoke –on Trent CCG.

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 and General Data Protection Regulation 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- 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 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 share to 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;

- NHS Trusts / Foundation Trusts
- GP's
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Health and Social Care Information Centre (HSCIC)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police and 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 to happen when this is required.

### **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 have it amended should it be inaccurate. In order to request this, you need to do the following:

Your request must be made in writing to the GP – for information from the hospital you should write direct to them

- There may be a charge to have a printed copy of the information held about you
- We are required to respond to you within 40 days
- 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
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## **Objections / Complaints**

Should you have concerns about how your information is managed at the GP, 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](http://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.

## **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 purpose for which they process personal and sensitive information.

This information is publicly available on the information commissioner's office website [www.ico.org.uk](http://www.ico.org.uk)

The practice is registered with the information commissioner's office (ICO).

## **Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is:

### **Adderley Green Surgery/Willow Bank Surgery**

#### **Data Protection Officer**

Hayley Gidman, Head of Information Governance  
Midlands and Lancashire CSU  
Email: [mlcsu.dpo@nhs.net](mailto:mlcsu.dpo@nhs.net)  
Tel: 01782 872648

## **Complaints**

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

Bev Heath  
Practice Manager

Adderley Green Surgery  
Longton Health Centre, Drayton Road, Longton, Stoke-on-Trent ST3 1EQ

Willowbank Surgery  
2<sup>nd</sup> Floor Meir Primary Care Centre, Weston Road, Meir, Stoke On Trent ST3 6AB

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

### **How the NHS and care services use your information**

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](http://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://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.

Health and care organisations had 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.

The surgery is fully compliant with the National data opt out.

### **National Data Opt Out**

*What is the National Data Opt Out (NDOO)?*

The NDOO is a mechanism by which individuals in England can control, to a limited degree, certain aspects of their confidential medical information and, in particular, what NHS Digital can do with it once in their possession.

The NDOO only applies to confidential information, that is medical information that can identify you, for example by containing your name, DOB, address, NHS number etc.

And the NDOO only applies to uses of your confidential medical information for *secondary purposes*, that is unrelated to, and beyond, the direct medical care that GP surgeries and other healthcare organisations provide you with when you are unwell, or to keep you well.

Secondary purposes include healthcare planning, audit, population analytics, “risk stratification”, research, “commissioning”, commercial and even political uses.

The NDOO is not limited to electronic data and so includes paper records. It simply replaces the Type 2 (9Nu4) opt-out that has been in force for some years, and which you were able to express via your GP surgery.

It is, therefore, nothing new.

*If I set, or keep, my NDOO status at “do not share”, what will this mean?*

Confidential medical information obtained by NHS Digital from GP surgeries, hospital trusts, mental health providers and social care, will not be released/disseminated/sold by them in a format that can identify you.

The NDOO will prohibit certain data extractions from your GP record, where this involves confidential medical information, and where your permission or consent has not been sought before your data was released (section 251 approval).

The NDOO will, prevent confidential medical information leaving the Cancer Registry, certain other disease registries, the Clinical Practice Research Datalink (CPRD); and hospitals and other healthcare providers.

*What will the NDOO not do?*

The NDOO will **in no way affect** the sharing of information for the purposes of an individual’s care and treatment, e.g. where information is shared between a GP surgery and a hospital.

It will not stop your GP using the Electronic Referral Service (eRS), the Electronic Prescription Service (EPS), or GP2GP transfers of medical records.

The NDOO will **in no way** affect the National Summary Care Record (SCR).

You can opt-out of the SCR via your GP surgery.

The NDOO will **in no way** affect any local shared care record project or scheme. You can opt-out of your local shared care record scheme via your GP surgery.

The NDOO will **in no way** affect situations where your GP surgery, or other healthcare organisation, is *legally required* to share your information (such as a court order or when mandated under section 259 of the Health and Social Care Act – *but see later*).

The NDOO will **in no way** affect you being invited, when appropriate, for any of the National Screening Programmes, such as cervical/breast/bowel/abdominal aortic aneurysm/diabetic eye screening.

You can opt-out of these separately, if you wish.

The NDOO will **in no way** affect situations where your GP surgery, or any other healthcare organisation, shares data in an anonymised or aggregate (numbers only) format, in other words where that data cannot identify an individual.

The NDOO will **not stop**:

Commercial sales of hospital data (HES) by NHS Digital

Lifelong linked medical histories being disseminated by NHS Digital

Onwards release of data by non-NHS bodies (once provided with your information by NHS Digital)

*What about Research?*

The NDOO will **in no way** prevent you from taking part in accredited medical research, at your GP surgery/local hospital/other health organisation, where you have given your explicit consent to be involved (i.e. you have been asked first).

The NDOO will **in no way** prevent you from:

- Giving blood
- Joining the NHS Organ Donor Register
- Signing up to the Anthony Nolan register to donate your blood stem cells or bone marrow
- Donating your DNA for medical research
- Joining the 100K Genomes project
- Taking part in clinical drug trials
- Donating your body to medical science after your death
- Giving money (in a tax-efficient way) to any medical charity of your choosing

*Will the NDOO stop my confidential GP information being uploaded to NHS Digital in the first place?*

No.

NHS Digital does not rely upon section 251 approval for data gathering, preferring instead to make such data collections compulsory under section 259 of the Health and Social Care Act.

*However*, the existing secondary uses, Type 1 (9Nu0), opt-out that many people have in force on their GP record **will** prohibit data (confidential and, in some cases, de-identified) from being extracted and uploaded from your GP record to NHS Digital.

In addition, the Type 1 opt-out will also prohibit section 251 approved data extractions, for example for “risk stratification”, as well as the mandatory section 259 extractions.

*So how do I maximally limit secondary uses of my medical records, beyond my direct medical care?*

Set your NDOO status to “do not share”, see later for how to do this. Or make sure that you have a Type 2 objection in force on your GP record – do this via your GP surgery; *and*

Make sure you have a secondary uses, Type 1 (9Nu0) objection in force on your GP record – do this via your GP surgery

*Consider* contacting your local hospital trust, mental health provider, or social care organisation (local council) that you use (or have used) and express “the right to object” to the dissemination of confidential information about you

to NHS Digital, where it is not legally mandated.

For example, you have the right to object where your data might be processed in this way and the organisation concerned is relying on Article 6(1)(e) – Official Authority – as the legal basis under the GDPR.

*What about preventing NHS Digital releasing, disseminating, or selling anonymised and pseudonymised data about me?*

You cannot – directly. And you have no control over why they are doing this, for what purpose(s), and to which organisation they are giving or selling your information to.

But you can *limit* how much information NHS Digital gathers about you from healthcare organisations, by maximally limiting the secondary uses of your medical records, as described above.

*So how do I set, check, or update my National Data Opt Out status?*

If you had previously requested a Type 2 objection to be in force, via your GP surgery, then this will have automatically set your NDOO status to “do not share”. You will receive a letter from NHS Digital, confirming this, in due course. Any children aged 13yrs or over will receive their own letter as well.

It is not possible to directly view, set or change your NDOO status at your GP surgery, although you set it *indirectly* by expressing a Type 2 objection to your GP surgery – but only until October 2018.

This will automatically set your NDOO status to “do not share”.

Anyone aged 13yrs or over can set their NDOO status via an online service at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters)

Anyone aged 12yrs or younger, or if you are acting on behalf of another individual (i.e. as a proxy, perhaps with lasting power of attorney authority) cannot do this online but will have to ring 0300 330 9412 instead (or via other “non-digital” methods).

More information about NHS data sharing, opting-out and objecting, and the NHS databases can be found at [www.nhsdatasharing.info](http://www.nhsdatasharing.info)