

Broadway Surgery

Practice Privacy Notice

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Position	Named individual
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Data Controller	Broadway surgery

Table of contents

1	Introduction	Error! Bookmark not defined.
1.1	Policy statement	2
1.2	Status	2
2	Compliance with regulations	2
2.1	Data Protection Act 2018 and UK GDPR	2
2.2	Communicating privacy information	2
2.3	What data will be collected?	2
2.4	National data opt-out programme	3
2.5	General practice data for planning and research collection	3
2.6	Use of artificial intelligence	3
	Annex A – Practice privacy notice	4
	Annex B –	Error! Bookmark not defined

1.1 Policy statement

This policy outlines how this organisation will provide information to patients regarding how patient data is processed for the provision of direct care, research, audit and screening programmes.

1.2 Status

In accordance with the [Equality Act 2010](#), we have considered how provisions within this policy might impact on different groups and individuals. This document and any procedures contained within it are non-contractual, which means they may be modified or withdrawn at any time. They apply to all employees and contractors working for the organisation.

2 Compliance with regulations

2.1 Data Protection Act 2018 and UK GDPR

The General Data Protection Regulation (GDPR) became law on 24 May 2016. This was a single EU-wide regulation on the protection of confidential and sensitive information. It entered into force in the UK on the 25 May 2018, repealing the Data Protection Act (1998).

Following Brexit, the GDPR became incorporated into the [Data Protection Act 2018 \(DPA18\)](#) at Part 2, Chapter 2 titled The UK GDPR.

This organisation will ensure that any personal data is processed in accordance with [Article 5 of the UK GDPR](#) – lawfully, fairly and in a transparent manner.

2.2 Communicating privacy information

This organisation must provide information to applicants about how their data is processed in the form of a Practice Privacy Notice.

2.3 What data will be collected?

The following data will be collected:

- Patient details (name, date of birth, NHS number)
- Address and NOK information
- Medical notes (paper and electronic)
- Details of treatment and care, including medications
- Results of tests (pathology, X-ray, etc.)
- Any other pertinent information

2.4 National data opt-out programme

[NHS England](#) explains that the national data opt-out allows patients to choose if they do not want their confidential patient information to be used for purposes beyond their individual care and treatment.

This organisation will maintain compliance with the national data opt-out policy.

2.5 General practice data for planning and research collection

NHS E advise that the [General Practice Data for Planning and Research \(GPDPR\) programme](#) has been designed to help the NHS:

- Monitor the long-term safety and effectiveness of care
- Plan how to deliver better health and care services
- Prevent the spread of infectious diseases
- Identify new treatments and medicines through health research

2.6 Use of artificial intelligence

Artificial Intelligence (AI) use is the biggest and fastest moving change to computing in recent years and is becoming commonplace across all industries including primary care. With this being new technology, there is a requirement for additional governance measures to ensure its use is safe and does not expose personal data about both patients and staff to any unnecessary risks.

Examples of AI use include:

- Generation of business meeting notes and any action points
- Support for clinicians during consultations to compile and document medical records
- Generation of summaries of various team meetings where our service users and patient cases are discussed

The practice is not actively utilising AI currently.

Annex A – Practice privacy notice

Introduction

At Broadway surgery, we have a legal duty to explain how we use any personal information we collect about you at the organisation. This is in both electronic and paper format.

Why do we have to provide this privacy notice?

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer. The Data Protection Officer (DPO) for the surgery is based at NHS Sussex Integrated Care Board.

The main things the law says we must tell you about what we do with your personal data are:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold about you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

The General Data Protection Regulation (GDPR) became law on 24 May 2016. This was a single EU-wide regulation on the protection of confidential and sensitive information. It entered into force in the UK on the 25 May 2018, repealing the Data Protection Act (1998). Following Brexit, the GDPR became incorporated into the [Data Protection Act 2018 \(DPA18\)](#) at Part 2, Chapter 2 titled The UK GDPR.

For the purpose of applicable data protection legislation (including but not limited to the Data Protection Act 2018 (DPA2018) and Part 2 the UK GDPR).

Using your information

We will use your information so that we can check and review the quality of care we provide. This helps us improve our services to you.

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, your GP will share information when they refer you to a specialist in a hospital or your GP will send details about your prescription to your chosen pharmacy.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record. For more information see NHS E [Summary Care Record](#).

You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object. You also have the right to have any mistakes or errors corrected.

Registering for NHS care

- All patients who receive NHS care are registered on a national database (NHS Spine). The Spine is held and maintained by NHS England, a national organisation which has legal responsibilities to collect NHS data.
- More information can be found at [NHS England - Spine](#)

Identifying patients who might be at risk of certain diseases

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital. This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used. Information which identifies you will only be seen by this organisation.

Safeguarding

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm. These circumstances are rare, and we do not need your consent or agreement to do this.

Checking the quality of care – national clinical audits

- This organisation contributes to national clinical audits so that healthcare can be checked and reviewed. Information from medical records can help doctors and other healthcare workers to measure and check the quality of care that is provided to you.
- The results of the checks or audits can show where organisations are doing well and where they need to improve. These results are also used to recommend improvements to patient care.
- Data is sent to NHS England, a national body with legal responsibilities to collect data.
- The data will include information about you, such as your NHS Number and date of birth, and information about your health which is recorded in coded form – for example the code for diabetes or high blood pressure.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object.

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

Data Controller	Broadway surgery, Wellsbourne Health Centre, Whitehawk, Brighton
Data Protection Officer	The Data Protection Officer (DPO) for the surgery is based at NHS Sussex Integrated Care Board
Purpose of the processing	To give direct health or social care to individual patients. An example is, 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). Medical research and to check the quality of care which is given to patients (this is called national clinical audit).
Lawful basis for processing	These purposes are supported under the following sections of the GDPR:

	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 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...’ The following sections of the GDPR mean that we can use medical records for research and to check the quality of care (national clinical audits): Article 6(1)(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’. Article 9(2)(a) – ‘the data subject has given explicit consent...’ Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.
Recipient or categories of recipients of the processed data	The data will be shared with: ● healthcare professionals and staff in this surgery; ● local hospitals; ● out of hours services; ● diagnostic and treatment centres; ● or other organisations involved in the provision of direct care to individual patients. For national clinical audits which check the quality of care the data will be shared with NHS England.
Rights to object and the national data opt-out	You have the right to object to information being shared between those who are providing you with direct care. 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 England. 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.

	The national data opt-out model provides an easy way for you to opt-out of information that identifies you being used or shared for medical research purposes and quality checking or audit purposes. Please contact the practice if you wish to opt-out. Further information is available from NHS England.
Right to access and correct	You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff. 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.
Retention period	Records will be kept in line with the law and national guidance.
Right to complain	In the unlikely event that you are unhappy with any element of our data-processing methods, do please contact the Practice Manager in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO). Further details, visit https://ico.org.uk/for-the-public/ and select "Make a complaint" or telephone: 0303 123 1113.
Data we get from other organisations	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.
