**Privacy Notice for General Practice**

**Who we are**

Leeds City Medical Practice and Parkside Surgery are here to provide patient-centered healthcare; as providers of health to you we hold records about your health. The Practice is the Data Controller of the information it holds about you and is responsible for keeping that secure and confidential. You can contact us at our main surgery at:-

**Leeds City Medical Practice**

Address: Beeston Hill Community Health Centre, 123 Cemetery Road, Leeds LS11 8LH

Email: bhmp@nhs.net

Tel.: 0113 467 7500

Should you have any concerns about how your information is managed at the GP Practice, please contact the Data Protection Officer (Dr David Mitchell) at the above address.

**How we use your personal information**

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

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (eg NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

As health professionals, we maintain records about you in order to support your care. By registering with the practice, your existing records will be transferred to us from your previous practice so that we can keep them up to date while you are our patient and if you do not have a previous medical record (a new-born child or coming from overseas, for example), we will create a medical record for you.

We take great care to ensure that your information is kept securely, that it is up to date, accurate and used appropriately. All of our staff are trained to understand their legal and professional obligations to protect your information and will only look at your information if they need to.

NHS health 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 which this GP Practice holds about you may include the following information;

* Details about you, such as your address, if you have a carer or legal representative, 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
* We are routinely informed of any A&E visits or outpatient appointments at local hospitals
* We are routinely advised of any contact with out of hours providers or [NHS111](https://111.nhs.uk/)

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 in a fully anonymised format. However where identifiable information is required the surgery will always gain your consent before releasing the information for this purpose.

For provision of direct care:
In the practice, individual staff will only look at what they need in order to carry out such tasks as booking appointments, making referrals, giving health advice or provide you with care.

For commissioning and healthcare planning purposes:

In some cases, for example when looking at population healthcare needs, some of your data may be shared (usually in such a way that you cannot be identified from it). The following organisations may use data in this way to inform policy or make decisions about general provision of healthcare, either locally or nationally.

* Leeds City Council: Public Health, Adult or Child Social Care Services
* Leeds Clinical Commissioning Group (or their approved data processors)
* NHS Digital (Formerly known as (HSCIC)
* The ResearchOne Database (SystmOne practices).
* Other data processors which you will be informed of as appropriate.

In order to comply with its legal obligations we may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012.

This practice contributes to national clinical audits and will send the data which are required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form, for example, the clinical code for diabetes or high blood pressure.

For research purposes:

Research data is usually shared in a way that individual patients are non-identifiable. Occasionally where research requires identifiable information you may be asked for your explicit consent to participate in specific research projects. The surgery will always gain your consent before releasing any information for this purpose.

Where specific information is asked for, such as under the National Diabetes audit, you will be given the choice to opt of the audit.

For safeguarding purposes, life or death situations or other circumstances when we are required to share information:

We may also disclose your information to others in exceptional circumstances (i.e. life or death situations) or in accordance with Dame Fiona Caldicott’s information sharing review (Information to share or not to share).

For example, your information may be shared in the following circumstances:

* When we have a duty to others e.g. in child protection cases
* Where we are required by law to share certain information such as the birth of a new baby, infectious diseases that may put you or others at risk or where a Court has decided we must.

**Ways we may communicate with you**

We may need to contact you for a variety of reasons including to:

* Offer you a new appointment or alter an existing one
* Send you a reminder of an existing appointment
* Arrange for transport to be provided
* Ask your opinion of our services
* Tell you about other health and social care services (such as Flu Jabs)

Our standard way to contact you is by letter or telephone. We may also use automated telephone calls, emails, SMS text messaging and where appropriate, social media. If you do not wish to be contacted by any of these other methods please inform the Assistant Practice Manager, Guy Ferrett.

**General Data Protection Regulation Legal Basis for processing your information in this way**

Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority and it is for the purpose of medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.

**Objections / Complaints**

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

You have a right to ask the following:

* Access to or obtain a copy of the information held about you (see Access to Personal Information below for how to request this)
* For your information to be corrected if it is factually incorrect
* Object to your information being processed in certain circumstances

If you are still unhappy following a review by the Practice you can then complain to the Information Commissioners Office (ICO) via:-

* Their website: www.ico.org.uk
* Email: casework@ico.org.uk
* Telephone: 0303 123 1113 (local rate) or 01625 545 745
* Or by mail: The Information Commissioner

Wycliffe House, Water lane

Wilmslow, Cheshire SK9 5AF

**Other Purposes for which your information is processed**

**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 Leeds 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.

**General Data Protection Regulation Legal Basis for processing your information in this way**

The use of identifiable data for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority (known as Section 251 approval). Further information on Section 251 can be obtained at www.hra.nhs.uk/approvals-amendments/what-approvals-do-i-need/confidentiality-advisory-group/. The reference number for the risk stratification approval is CAG7-04(a)/2013. This approval allows your GP, or staff within your GP Practice who are responsible for providing your care, to see information that identifies you, but the CCG staff will only be able to see information in a format that does not reveal your identity.

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

Leeds City Medical Practice 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](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:

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

and, www.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 have until 2020 to put systems and processes in place so they can apply your national data opt-out choice. Our organisation ‘is not currently’ able to apply your national data opt-out choice to any confidential patient information we may use or share with other organisations for purposes beyond your individual care.

**Medicines 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 our practice by the Leeds GP Confederation.

**Improving Care Pathways**

The Practice will at times employ staff from the local NHS Commissioning Group to undertake reviews of referrals and pathways of care for patients registered at the practice and compare these to referrals and pathways at other practices for the same diagnoses. These are then reviewed with an appropriately qualified clinician to ensure patients are able to access the most appropriate care for them, in the right place (possibly closer to home) and by the right person, first time.

**General Data Protection Regulation Legal Basis for processing your information in this way**

Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority and it is for the purpose of medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.

**The Lawful Basis for Processing**

We are required to tell you the legal basis that is used for the various ways we process and use your data. In order to process your personal data we must specify a [lawful basis](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/https%3A/ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/) and if we process any personal data that is deemed to be “special category” data we must also specify a [separate condition for processing special category data](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/).

The following table sets the main ways your personal data may be used and the corresponding legal basis and category of data. Each purpose is covered in more detail within this notice to explain what these mean in more practical terms.

| **Purpose of using personal data** | **Legal basis of processing** | **Special category of data** |
| --- | --- | --- |
| Provision of direct care and related administrative purposese.g., e-referrals to hospitals or other care providers | GDPR Article 6(1)(e) – the performance of a task carried out in the public interest | GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. |
| For commissioning and healthcare planning purposese.g., collection of mental health data set via NHS Digital or local  | GDPR Article 6(1)(c) – compliance with a legal obligation | GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.Special category 9(2)(i) – public interest in the area of public health  |
| For planning and running the NHS (other mandatory flow)e.g., CQC powers to require information and records | GDPR Article 6(1)(c) – compliance with a legal obligation (the GP practice)Regulation 6(1)(e) – the performance of a task carried out in the public interest (CQC) | GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.Special category 9(2)(i) – public interest in the area of public health |
| For planning & running the NHS – national clinical audits | GDPR Article 6(1)(e) – the performance of a task carried out in the public interest | GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.Special category 9(2)(i) – public interest in the area of public health |
| For research | GDPR Article 6(1)(f) – legitimate interests…except where such interests are overridden by the interest or fundamental rights and freedoms of the data subject.GDPR Article 6(1)(e) – the performance of a task carried out in the public interestGDPR Article 6(1)(a) – explicit consent | GDPR Article 9(2)(j) – scientific or historical research purposes or statistical purposes |
| For safeguarding or other legal duties | GDPR Article 6(1)(e) – the performance of a task carried out in the public interestRegulation 6(1)(c) – compliance with a legal obligation | GDPR Article 9(2)(b) – purposes of carrying out the obligations of ..social protection law. |
| When you request us to share your information e.g., subject access requests | GDPR Article 6(1)(a) – explicit consent | GDPR Article 9(1)(a) – explicit consent |

**The Rights Available to You in Respect of Data Processing**

Under the GDPR all patients have certain rights in relation to the information which the practice holds about them. Not all of these will rights apply equally, as certain rights are not available depending on situation and the lawful basis used for the processing- for reference these rights may not apply are where the lawful basis we use (as shown in the above table in the section on “lawful bases”) is:

* Processing is necessary for the performance of a task carried out in the exercise of official authority vested in the controller – in these cases the rights of erasure and portability will not apply.
* Legal Obligation – in these cases the rights of erasure, portability, objection, automated decision making and profiling will not apply.

### Right to be informed

[You have the right to be informed of how your data is being used](https://ico.org.uk/your-data-matters/your-right-to-be-informed-if-your-personal-data-is-being-used/). The propose of this document is to advise you of this right and how your data is being used by the practice

### Right of access

[You have the right of access](https://ico.org.uk/your-data-matters/your-right-of-access/). You have the right to ask us for copies of your personal information - this right always applies. There are some exemptions, which means you may not always receive all the information we process.

### Right to rectification

[You have the right to ask us to rectify information you think is inaccurate](https://ico.org.uk/your-data-matters/your-right-to-get-your-data-corrected/). You also have the right to ask us to complete information you think is incomplete. This right always applies.

### Right to erasure

[You have the right to ask us to erase your personal information in certain circumstances-](https://ico.org.uk/your-data-matters/your-right-to-get-your-data-deleted/) This will not generally apply in the matter of health care data

### Right to restrict processing

You have the right to ask us to restrict the processing of your information in certaincircumstances - You have to right to limit the way in which your data is processed if you are not happy with the way the data has been managed.

### Right to object

[You have the right to object to processing](https://ico.org.uk/your-data-matters/the-right-to-object-to-the-use-of-your-data/)if you disagree with the way in which part of your data is processed you can object to this- please bear in mind that this may affect the medical services we are able to offer you

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### Rights in relation to automated decision making and profiling

[Your rights in relation to automated processing](https://ico.org.uk/your-data-matters/your-rights-relating-to-decisions-being-made-about-you-without-human-involvement/) -Sometimes your information may be used to run automated calculations. These can be as simple as calculating your Body Mass Index or ideal weight but they can be more complex and used to calculate your probability of developing certain clinical conditions, and we will discuss these with you if they are a matter of concern.

Typically, the ones used in the practice may include:

Qrisk - a cardiovascular risk assessment tool which uses data from your record such as your age, blood pressure, cholesterol levels etc to calculate the probability of you experiencing a cardiovascular event over the next ten years.

Qdiabetes - a diabetes risk assessment tool which uses your age, blood pressure, ethnicity data etc to calculate the probability of you developing diabetes.

CHADS - an assessment tool which calculates the risk of a stroke occurring for patients with atrial Fibrillation

This is not an exhaustive list- other tools may be used depending on your personal circumstances and health needs, however whenever we use these profiling tools, we assess the outcome on a case-by-case basis. No decisions about individual care are made solely on the outcomes of these tools, they are only used to help us us assess your possible future health and care needs with you and we will discuss these with you.

### Right to data portability

[Your right to data portability](https://ico.org.uk/your-data-matters/your-right-to-data-portability/).This only applies to information you have given us- you have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. The right only applies if we are processing information based on your consent or under a contract, and the processing is automated, so will only apply in very limited circumstances

# Right to withdraw consent

Because under the provisions of Data Protection Law most of the data processing activities carried out by the practice are not done under the “lawful basis” of consent you cannot withdraw consent as such, however if you are not happy with the way your data is being processed you do have the [right to object](https://ico.org.uk/your-data-matters/the-right-to-object-to-the-use-of-your-data/)and the [right to ask us to restrict processing](https://ico.org.uk/your-data-matters/your-right-to-limit-how-organisations-use-your-data/).

There is a new national opt-out that allows people to opt out of their confidential patient information being used for reasons other than their individual care and treatment. The system offers patients and the public the opportunity to make an informed choice about whether they wish their personally identifiable data to be used just for their individual care and treatment or also used for research and planning purposes.Details of the national patient opt out can be found onlineat **www.nhs.uk/your-nhs-data-matters/**

In the past, you may have already chosen to prevent your identifiable data leaving NHS Digital, known as a Type 2 opt-out. All existing Type 2 opt-outs will be converted to the new national data opt-out and this will be confirmed by a letter to all individuals aged 13 or over with an existing Type 2 objection in place. Once the national data opt-out is launched, it will no longer be possible to change preferences via local GP practices.

[***The care.data programme – collecting information for the health of the nation***](https://www.england.nhs.uk/ourwork/tsd/care-data/)

**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 Legislation
* 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 (ie 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. They should be supported by the policies of their employers, regulators and professional bodies.

Everyone working for the Practice has a legal and contractual duty to keep information about you confidential. All our staff receive appropriate and ongoing training to ensure that they are aware of their personal responsibilities and their obligations to uphold confidentiality.

Staff are trained to ensure how to recognise and report any incident and the organisation has procedures for investigating, managing and learning lessons from any incidents that occur.

All identifiable information that we hold about you will be held [securely and confidentially in secure hosted servers that pass stringent security standards](https://digital.nhs.uk/services/gp-systems-of-choice).

As an organisation we are required to provide annual evidence of our compliance with all applicable laws, regulations and standards through the [Data Security and Protection toolkit](https://www.dsptoolkit.nhs.uk/).

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

**Retention of Records**

All NHS records are held in line with the Records Management Code of Practice for Health and Social Care 2016

As long as you are registered as a patient with the surgery, your paper records are held at the practice along with your GP electronic record. If you register with a new practice, they will initiate the process to transfer your records. The electronic record is transferred to the new practice across a secure NHS data-sharing network and all practices aim to process such transfers within a maximum of 8 working days. The paper records are then transferred which can take longer. Primary Care Services England also look after the records of any patient not currently registered with a practice and the records of anyone who has died.

Once your records have been forwarded to your new practice (or after your death forwarded to Primary Care Services England), a cached version of your electronic record is retained in the practice and classified as “inactive”. If anyone has a reason to access an inactive record, they are required to formally record that reason and this action is audited regularly to ensure that all access to inactive records is valid and appropriate. We may access this for clinical audit (measuring performance), serious incident reviews, or statutory report completion (eg., for HM Coroner).

A summary of retention periods for medical records can be found on the BMA website at www.bma.org.uk/advice/employment/ethics/confidentiality-and-health-records/retention-of-health-records

**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 & 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.

We share information about you with other health professionals where they have a genuine need for it to support your care, as follows.

|  |  |
| --- | --- |
| Recipient of data | Reason or purpose |
| Leeds Care Record | Primary, secondary or emergency care |
| Summary Care Record (SCR) | Secondary or emergency care |
| Leeds Teaching Hospitals Trust | Secondary or emergency care |
| * Other national providers of health care who you choose to be referred to, in consultation with your healthcare professional
 | Secondary or specialist care |
| Leeds & York Partnership Foundation Trust | Mental health & learning disability services |
| Mid-Yorkshire Hospitals Trust | Diabetic eye-screening services |
| Leeds Community Healthcare Trust | District Nursing and other community services |
| NHS National Diabetes Prevention Programme | Information and lifestyle education |
| Local Care Direct | Out of Hours primary care provider |
| Leeds City Council | Social Care services |
| Connect Well/PEP or other similar service | Social prescribing |
| “One You” | Provider of heathy lifestyle services |
| Forward Leeds  | Provider of drug & alcohol services |
| Federated GP services | Providers of extended access appointments over the telephone and at local hubs. |

From time to time we may offer you referrals to other providers, specific to your own health needs- in these cases we will discuss the referral with you and advise you that we will be sharing your information (generally by referral) with those organisations.

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.

**Details of transfers of personal data to any third countries or international organisations**

As a GP surgery, the only occasions when this would occur would be if you specifically requested this to occur- the practice will never routinely send patient data outside of the UK where the [laws do not protect your privacy to the same extent as the law in the UK.](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/)

**Access to personal information**

You have a right under the Data Protection Legislation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended where it is factually inaccurate. In order to request this, you need to do the following:

* Your request must be made directly to the GP Practice – for information from the hospital you should contact them directly.
* We are required to respond to you within 1 calendar month, although this may be extended if the request is complex, but you should be informed of any delays.
* You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) in order that your records can be located efficiently.

NB. You may be asked for proof of identity so we know we are releasing your information to the correct person

**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 are incorrect, such as date of birth 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.

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).

**Cookies**

A cookie is a small file, typically of letters and numbers, downloaded on to a device (like your computer or smart phone) when you accesses certain websites.

Cookies allow a website to recognise a user’s device.

Some cookies help websites to remember choices you make (eg which language you prefer if you use the Google Translate feature). Analytical cookies are to help us measure the number of visitors to a website. The two types we use are ‘Session’ and ‘Persistent’ cookies. Some cookies are temporary and disappear when you close your web browser, others may remain on your computer for a set period of time.

We do not knowingly collect or intend to collect any personal information about you using cookies. We do not share your personal information with anyone.

## What can I do to manage cookies on my devices?

Most web browsers allow some control of most cookies through the browser settings. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.allaboutcookies.org](http://www.allaboutcookies.org/).

To opt out of being tracked by Google Analytics across all websites visit <http://tools.google.com/dlpage/gaoptout>.

If you are concerned about cookies and would like to ask further questions please do not hesitate to write to our website developers – support@gpsurgery.net

This Privacy Notice is valid from March 2019