

Protecting your Confidentiality

Fair Processing Notice

Dr C Kenyon & Partners
19 Beaumont Street Surgery
Oxford
OX1 2NA

About this notice

This privacy notice explains why we collect information about you, how that information may be used and shared, how we keep it safe and confidential and what your rights are in relation to this.

Why we collect information about you

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received. These records help to provide you with the best possible, joined-up healthcare and help us to protect your safety.

We collect and hold data for the sole purpose of providing healthcare services to our patients. In carrying out this role we may collect information about you which helps us respond to your queries or improve our services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

Details we collect about you

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously including from NHS Trusts, GP Surgeries, Accident and Emergency (A&E), out of hours treatment services, community health services, etc.). These records help to provide you with the best possible healthcare.

Records which we may hold about you may include the following:

- Details about you, such as your address and next of kin
- Any contact we or your registered GP 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

How we keep your information confidential and safe

The professionals and staff working for our organisation are subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law. Our staff are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff members are

expected to make sure information is kept confidential and receive annual training on how to do this.

The health records we use 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. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel.

We also make sure external data processors that support us are legally and contractually bound to ensure that security arrangements are in place where information that could identify a person is processed.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with relevant legislation, including:

- *Data Protection Act 1998*
- *Human Rights Act*
- *Common Law Duty of Confidentiality*
- *NHS Codes of Confidentiality and Information Security*
- *Health and Social Care Act 2015*

We respect our duty of confidentiality to you at all times. We will only use or share information about you if we believe 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 (such as a risk of serious harm) or where the law requires certain information to be passed on.

How we use your information

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 and improve our services and the NHS.

Under the powers of the *Health and Social Care Act 2015*, NHS Digital¹ can request personal confidential data from GP Practices and other NHS organisations without seeking patient consent. Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care.

You may choose to withdraw your consent to personal data being used in this way. When we are about to participate in a new data-sharing project we will make patients aware by displaying prominent notices in the Practice and on our website at least four weeks before the scheme is due to start. Instructions will be provided to explain what you have to do to 'opt-out' of each new scheme.

You can object to your personal information being shared with other health care providers but if this limits the treatment that you can receive then we will explain this to you in the information we provide.

¹ **NHS Digital (formerly HSCIC)** uses information and technology to improve health and care. NHS Digital is an executive non-departmental public body, sponsored by the Department of Health. <http://digital.nhs.uk/>

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 (e.g. the National Diabetes Audit). When this happens, strict measures are taken to ensure that individual patients cannot be identified from the data.

Clinical Research

Sometimes your information may be requested to be used for research purposes – we will always ask your permission before releasing your information for this purpose.

Individual Funding Request

An 'Individual Funding Request' or IFR is a request made on your behalf, with your consent, by a clinician, for funding of specialised healthcare which falls outside the range of services and treatments that a Clinical Commissioning Group (CCG) has agreed to commission for the local population. An Individual Funding Request is taken under consideration when a case can be set out by a patient's clinician that there are exceptional clinical circumstances which make the patient's case different from other patients with the same condition who are at the same stage of their disease, or when the request is for a treatment that is regarded as new or experimental and where there are no other similar patients who would benefit from this treatment. A detailed response, including the criteria considered in arriving at the decision, will be provided to the patient's clinician.

Invoice Validation

Invoice validation is an important process. It involves using your NHS number to check the Clinical Commissioning Group (CCG) that is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

Local Information Sharing

Your GP patient record is held securely and confidentially on an electronic system known as EMIS Web. If you require attention from a health or care professional outside of your GP practice service, such as in an Evening and Weekend Clinic (7-Day Access Service), other GP Federation Service, Emergency Department, Minor Injury Unit or Out Of Hours location, those treating you are better able to give appropriate care if some of the information from your GP patient record is available to them. Where available, this information can be locally shared electronically via a secure system designed for this purpose (e.g. Oxfordshire Summary Care Record or EMIS system).

In all cases, the information is only used by authorised health and social care professionals in Oxfordshire based organisations, who are involved in providing or supporting your direct care. Your permission will be asked before the information is accessed, unless the health and social care user is unable to ask you and there is a clinical reason for access, which will then be logged.

National Fraud Initiative - 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. For further information see:

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

National Registries

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

Oxford University College Nurse Service

Many Oxford University students and staff are able to access a College Nurse for health advice and support. To ensure a safe and joined-up service, the College Doctors and Nurses both record your information using the same secure clinical system called EMIS Web. The nurses view and input their information via an NHS-approved virtual private network (VPN) which is a secure encrypted connection. This information then appears in your main NHS EMIS Web record held at your GP surgery.

The College Nurses will not share any of your medical information with other college staff member without your express consent other than in exceptional circumstances (e.g. if you are unable to consent or deemed to be at risk of serious harm).

Risk Stratification

Risk stratification for case finding is a process for identifying and managing patients who have or may be at-risk of health conditions (such as diabetes) or who are most likely to need healthcare services (such as people with frailty). Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health before it develops.

Information about you is collected from a number of sources including NHS Trusts, GP Federations and your GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by South, Central & West Commissioning Support Unit (CSU), a support services body of NHS England, and provided back to the original organisation. This enables us, if necessary, to identify offer you additional services to improve your health.

Risk-stratification data may also be used to improve local services and commission new services, where there is an identified need. In this area, risk stratification is commissioned by the Oxfordshire NHS Clinical Commissioning Group (OCCG). 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 any risk stratification programmes, please let us know. We can add a code to your records that will stop your information from being used for this purpose. Please be aware that this may limit the ability of healthcare professionals to identify if you have or are at risk of developing certain serious health conditions.

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.

Summary Care Record

The NHS in England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

Summary Care Records are there to improve the safety and quality of your care. SCR core information comprises your allergies, adverse reactions and medications. An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your agreement.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an emergency. Your records will stay as they are now with information being shared by letter, email, fax or phone. If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.

Supporting Medicines Management

Oxford Federation for General Practice and Primary Care (OxFed) and Oxfordshire CCG operate pharmacist and prescribing advice services to support local GP practices with prescribing queries, which may require identifiable information to be shared. These pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is appropriate for your needs, safe and cost-effective. Where specialist prescribing support is required, the CCG medicines management team may order medications on behalf of your GP Practice to support your care.

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.

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
- GP Federations
- Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups

- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police
- Other 'data processors'

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function.

Within the health partner organisations and in relation to the above mentioned themes – Risk Stratification, Invoice Validation, Supporting Medicines Management, Summary Care Record – we will assume you are happy for your information to be shared unless you choose to opt-out (see below).

This means you will need to express an explicit wish to us to not have your information shared with the other NHS organisations; otherwise this will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strict confidence.

Your right to withdraw consent for us to share your personal information (Opt-Out)

If you are happy for your data to be extracted and used for the purposes described in this fair processing notice then you do not need to do anything. If you do not want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances we may still be legally required to disclose your data.

There are two main types of opt-out:

Type 1 Opt-Out

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a 'Type 1 Opt-Out'. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

Type 2 Opt-Out

NHS Digital collects information from a range of places where people receive care, such as hospitals and community services. If you do not want your personal confidential information to be shared outside of NHS Digital, for purposes other than for your direct care, you can register a 'Type 2 Opt-Out'. For further information about Type 2 Opt-Outs, please contact NHS Digital Contact Centre at enquiries@hscic.gov.uk referencing 'Type 2 Opt-Outs – Data Requests' in the

subject line; or call NHS Digital on (0300) 303 5678; or visit the website <http://content.digital.nhs.uk/article/7092/Information-on-type-2-opt-outs>

If you wish to discuss or change your opt-out preferences at any time please contact: info.nbs@nhs.net

Access to your information

Under the Data Protection Act 1998 everybody has the right to see, or have a copy, of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data, but you may be charged a fee.

If you want to access your data you must make the request in writing. Under special circumstances, some information may be withheld. If you wish to have a copy of the information we hold about you, please contact: info.nbs@nhs.net

We may charge a reasonable fee for the administration of the request set down in law as follows:

- If the information is only held electronically we may charge up to £10.
- If the information is only held or is partly in paper format we may charge up to £50.

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 in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

Mobile phone number

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 Data Protection Act 1998 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)

Any changes to this notice will be published on our website.

Complaints

If you have concerns or are unhappy about any of our services, please contact our Head of Operations or email: info.nbs@nhs.net

For independent advice about data protection, privacy and data-sharing issues, you can contact:
The Information Commissioner
Wycliffe House
Water Lane
Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113 Website: www.ico.gov.uk

Further Information

Further information about the way in which the NHS uses personal information and your rights in that respect can be found here:

The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under the Data Protection Act 1998.

<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programmes available to you, confidentiality, information and your right to complain if things go wrong.

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

NHS Digital

NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.

<http://content.digital.nhs.uk/article/4963/What-we-collect>

Reviews of and Changes to our Fair Processing Notice

We will keep our Fair Processing Notice under regular review. This notice was last reviewed in December 2017.