

Practice Privacy Notice (England)

Version:	Review date:	Edited by:	Approved by:	Comments:
1.3	24.05.2018	N Driessens	P Smith	Original implementation

Table of contents

1	Introduction	2
1.1	Policy statement	2
1.2	Principles	2
1.3	Status	2
1.4	Training and support	2
2	Scope	3
2.1	Who it applies to	3
2.2	Why and how it applies to them	3
3	Definition of terms	3
3.1	Privacy notice	3
3.2	Data Protection Act 2018 (DPA18)	3
3.3	Information Commissioner's Office (ICO)	3
3.4	General Data Protection Regulation (GDPR)	3
3.5	Data controller	4
3.6	Data subject	4
4	Compliance with regulations	4
4.1	GDPR	4
4.2	Article 5 compliance	4
4.3	Communicating privacy information	4
4.4	What data will be collected?	5
4.5	National data opt-out programme	5
4.6	Privacy notice checklists	6
4.7	Privacy notice template	6
4.8	Summary	6
4.9	Annex A – Practice privacy notice	7

1 Introduction

1.1 Policy statement

NHS Digital collects information with the purpose of improving health and care for everyone. The information collected is used to:¹

- Run the health service
- Manage epidemics
- Plan for the future
- Research health conditions, diseases and treatments

1.2 Principles

NHS Digital is a data controller and has a legal duty, in line with the General Data Protection Regulation (GDPR), to explain why it is using patient data and what data is being used. Similarly, Swiss Cottage Surgery has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

1.3 Status

The practice aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in regard to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

This document and any procedures contained within it are contractual and therefore form part of your contract of employment. Employees will be consulted on any modifications or change to the document's status.

1.4 Training and support

The practice will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

¹ [NHS Digital – How we look after your health and care information](#)

2 Scope

2.1 Who it applies to

This document applies to all employees, partners and directors of the practice. Other individuals performing functions in relation to the practice, such as agency workers, locums and contractors, are encouraged to use it.

2.2 Why and how it applies to them

Everyone should be aware of the practice privacy notice and be able to advise patients, their relatives and carers what information is collected, how that information may be used and with whom the practice will share that information.

The first principle of data protection is that personal data must be processed fairly and lawfully. Being transparent and providing accessible information to patients about how their personal data is used is a key element of the General Data Protection Regulation.

3 Definition of terms

3.1 Privacy notice

A statement that discloses some or all of the ways in which the practice gathers, uses, discloses and manages a patient's data. It fulfils a legal requirement to protect a patient's privacy.

3.2 Data Protection Act 2018 (DPA18)

The Data Protection Act (DPA18) will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

3.3 Information Commissioner's Office (ICO)

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

3.4 General Data Protection Regulation (GDPR)

The GDPR replaces the Data Protection Directive 95/46/EC and was designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way in which organisations across the region approach data privacy. The GPDR comes into effect on **25 May 2018**.

3.5 Data controller

The entity that determines the purposes, conditions and means of the processing of personal data.

3.6 Data subject

A natural person whose personal data is processed by a controller or processor.

4 Compliance with regulations

4.1 GDPR

In accordance with the GDPR, this practice will ensure that information provided to subjects about how their data is processed will be:

- Concise, transparent, intelligible and easily accessible;
- Written in clear and plain language, particularly if addressed to a child; and
- Free of charge

4.2 Article 5 compliance

In accordance with Article 5 of the GDPR, this practice will ensure that any personal data is:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

4.3 Communicating privacy information

At Swiss Cottage Surgery, the practice privacy notice is displayed on our website, through signage in the waiting room, and in writing during patient registration. We will:

- Inform patients how their data will be used and for what purpose
- Allow patients to opt out of sharing their data, should they so wish

4.4 What data will be collected?

At Swiss Cottage Surgery, 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

4.5 National data opt-out programme

The national data opt-out programme will afford patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes.² This programme will be live with effect from 25 May 2018.

Patients who wish to opt out of data collection will be able to set their national data opt-out choice online. An alternative provision will be made for those patients who are unable to do so or who do not want to use the online system.

Individuals who have opted out using the existing Type 2 opt-out will be automatically transferred to the new national data opt-out system and will be notified on an individual basis of the change.

The following resources are available for staff at Swiss Cottage Surgery:

- [Pack A The NDG Review and Government Response Published March 2018](#)
- [Pack B Taking the National Data Opt-out Forward Published March 2018](#)
- [Pack C National Data Opt-out Approach Published March 2018](#)
- [Pack D National Data Opt-out Operational Policy Published November 2017](#)
- [Pack E1 Preparing for Implementation Published March 2018](#)
- Pack F – Not yet published
- [Pack G Fit with Data Protection Bill \(GDPR\) Published December 2017](#)

² [NHS Digital National data opt-out programme](#)

Should any queries arise regarding the national data opt-out programme, Nicholas Driessens - Practice Manager will email the query to the national data opt-out enquiries mailbox: newoptoutenquiries@nhs.net

To ensure that Swiss Cottage Surgery is ready for the introduction of the national data opt-out programme, they will use the [Readiness checklist](#).

4.6 Privacy notice checklists

The ICO has provided a privacy notice checklist which can be used to support the writing of the practice privacy notice. The checklist can be found by following this [link](#).

4.7 Privacy notice template

A privacy notice template can be found at Annex A.

4.8 Summary

It is the responsibility of all staff at Swiss Cottage Surgery to ensure that patients understand what information is held about them and how this information may be used. Furthermore, the practice must adhere to the DPA18 and the GDPR, to ensure compliance with extant legal rules and legislative acts.



Dr S Smith, Dr M Abbas, Dr F Entikabi, Dr P Smith, Dr D Beck

2 Winchester Mews,
London NW3 3NP
t 020 7722 2772
f 020 7449 6050
swisscottagesurgery@nhs.net
www.swisscottagesurgery.nhs.uk

4.9 Annex A – Practice privacy notice

Swiss Cottage Surgery has a legal duty to explain how we use any personal information we collect about you, as a registered patient, at the practice. Staff at this practice maintain records about your health and the treatment you receive in electronic and paper format.

What information do we collect about you?

We will collect information such as personal details, including name, address, next of kin, records of appointments, visits, telephone calls, your health records, treatment and medications, test results, X-rays, etc. and any other relevant information to enable us to deliver effective medical care.

How we will use your information

Your data is collected for the purpose of providing direct patient care; however, we can disclose this information if it is required by law, if you give consent or if it is justified in the public interest. The practice may be requested to support research; however, we will always gain your consent before sharing your information with medical research databases such as the Clinical Practice Research Datalink and QResearch or others when the law allows.

In order to comply with its legal obligations, this practice may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012. Additionally, this practice contributes to national clinical audits and will send the data that is 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.

Processing your information in this way and obtaining your consent ensures that we comply with Articles 6(1)(c), 6(1)(e) and 9(2)(h) of the GDPR.



Dr S Smith, Dr M Abbas, Dr F Entikabi, Dr P Smith, Dr D Beck

2 Winchester Mews,
London NW3 3NP
t 020 7722 2772
f 020 7449 6050
swisscottagesurgery@nhs.net
www.swisscottagesurgery.nhs.uk

Maintaining confidentiality and accessing your records

We are committed to maintaining confidentiality and protecting the information we hold about you. 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). You have a right to access the information we hold about you, and if you would like to access this information, you will need to complete a Subject Access Request (SAR). Please ask at reception for a SAR form and you will be given further information. Furthermore, should you identify any inaccuracies, you have a right to have the inaccurate data corrected.

Risk stratification

Risk stratification is a mechanism used to identify and subsequently manage those patients deemed as being at high risk of requiring urgent or emergency care. Usually this includes patients with long-term conditions, e.g. cancer. Your information is collected by a number of sources, including Swiss Cottage Surgery; this information is processed electronically and given a risk score which is relayed to your GP who can then decide on any necessary actions to ensure that you receive the most appropriate care.

Invoice validation

Your information may be shared if you have received treatment to determine which Clinical Commissioning Group (CCG) is responsible for paying for your treatment. This information may include your name, address and treatment date. All of this information is held securely and confidentially; it will not be used for any other purpose or shared with any third parties.

Opt-outs

You have a right to object to your information being shared. Should you wish to opt out of data collection, please contact a member of staff who will be able to explain how you can opt out and prevent the sharing of your information; this is done by registering to opt out online (national data opt-out programme) or if you are unable to do so or do not wish to do so online, by speaking to a member of staff.



Dr S Smith, Dr M Abbas, Dr F Entikabi, Dr P Smith, Dr D Beck

2 Winchester Mews,
London NW3 3NP
t 020 7722 2772
f 020 7449 6050
swisscottagesurgery@nhs.net
www.swisscottagesurgery.nhs.uk

Retention periods

In accordance with the NHS Codes of Practice for Records Management, your healthcare records will be retained for 10 years after death, or if a patient emigrates, for 10 years after the date of emigration.

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. Contact the practice's data controller via email at swisscottagesurgery@nhs.net. GP practices are data controllers for the data they hold about their patients³
2. Write to the data controller at Swiss Cottage Surgery, 2 Winchester Mews, London, NW3 3NP
3. Ask to speak to the practice manager Nicholas Driessens - Practice Manager, or their deputy Nicholas Driessens - Practice Manager

The Data Protection Officer (DPO) for Swiss Cottage Surgery is Nicholas Driessens - Practice Manager and he/she is based at Nicholas Driessens - Practice Manager CCG.

Complaints

In the unlikely event that you are unhappy with any element of our data-processing methods, you have the right to lodge a complaint with the ICO. For further details, visit ico.org.uk and select 'Raising a concern'.

Changes to our privacy policy

³ [BMA GPs as data controllers under the GDPR](#)



Dr S Smith, Dr M Abbas, Dr F Entikabi, Dr P Smith, Dr D Beck

2 Winchester Mews,
London NW3 3NP
t 020 7722 2772
f 020 7449 6050
swisscottagesurgery@nhs.net
www.swisscottagesurgery.nhs.uk

We regularly review our privacy policy and any updates will be published on our website, in our newsletter and on posters to reflect the changes. This policy is to be reviewed within 2 years.