



# The De Parys Group

## Privacy Notice

We understand how important it is to keep your personal information safe and secure and we take this very seriously. We have taken steps to make sure your personal information is looked after in the best possible way and we review this regularly.

Please read this Privacy Notice carefully, as it contains important information about how we use the personal and healthcare information we collect on your behalf.

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## 1. Introduction

This Privacy Notice (“Notice”) lets you know what happens to any personal data that you give to us, or any information that we may collect from you or about you from other organisations.

This Notice applies to personal information processed by or on behalf of the practice.

This Notice explains

- How we use your information
- Information about our Data Protection Officer
- What kinds of personal information about you we hold and use (process)
- The legal grounds for our processing of your personal information (including when we share it with others)
- What you should do if your personal information changes
- How long your personal information is retained / stored by us
- Your rights under Data Protection laws

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018) became law on 25th May 2018. The GDPR is a single EU-wide regulation on the protection of confidential and sensitive (special) information, the DPA 2018 deals with elements of UK law that differ from the European Regulation, both came into force in the UK on the 25th May 2018, repealing the previous Data Protection Act (1998).

For the purpose of applicable data protection legislation (including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the "GDPR"), and the Data Protection Act 2018 the practice responsible for your personal data is The De Parys Group

This Notice describes how we collect, use and process your personal data, and how in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

## 2. How we use your information and the law

The De Parys Group is the ‘Controller’ of your personal data.

We collect basic personal data about you and location-based information. This includes your name, address and contact details such as email and mobile number.

We will also collect sensitive confidential data known as “special category personal data”, in the form of health information, religious belief (if required in a healthcare setting) ethnicity and sex life information that are linked to your healthcare, we may also receive this information about you from other health providers or third parties.

## 3. Why do we need your information?

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously. These records help to provide you with the best possible healthcare and treatment.

NHS health records may be electronic, paper-based or a mixture of both. We use a combination of working practices and technology to ensure that your information is kept confidential and secure.

Records about you may include the following information;

- Details about you, such as your address, your carer or legal representative and emergency contact details.
- Any contact the surgery has had with you, such as appointments and telephone consultations
- Notes and reports about your health.
- Details about your treatment and care.
- Results of investigations such as laboratory tests, x-rays.
- Relevant information from other health professionals, relatives or those who care for you.
- Your contact details (including email address, mobile telephone number and home telephone number)

To ensure you receive the best possible care, your records are used to facilitate the care you receive, including contacting you. Information held about you may be used to help protect the health of the public and to help us manage the NHS and the services we provide. Limited information may be used within the GP practice for clinical audit to monitor the quality of the services we provided.

#### 4. Legal justification for collecting and using your information

We need your personal, sensitive and confidential data in order to provide you with healthcare services. As a General Practice, under the General Data Protection Regulation we will be lawfully using your information in accordance with: -

- *Article 6, 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, (h) processing is necessary for the purposes of preventive 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*

We use your personal and healthcare information in the following ways:

- when we need to speak to, or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or ongoing healthcare;
- when we are required by law to hand over your information to any other organisation, such as the police, by court order, solicitors, or immigration enforcement.

We will never pass on your personal information to anyone else who does not need it, or has no right to it, unless you give us consent to do so.

The law says we need a legal basis to handle your personal and healthcare information.

**Contract:** We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.

**Consent:** Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

**Necessary care:** Providing you with the appropriate healthcare, where necessary. The Law refers to this as ‘protecting your vital interests’ where you may be in a position not to be able to consent.

**Law:** Sometimes the law obliges us to provide your information to an organisation (see above).

### Special categories

The law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

**Public Interest:** Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment

**Consent:** When you have given us consent

**Vital Interest:** If you are incapable of giving consent, and we have to use your information to protect your vital interests (eg if you have had an accident and you need emergency treatment)

**Defending a claim:** If we need your information to defend a legal claim against us by you, or by another party

**Providing you with medical care:** Where we need your information to provide you with medical and healthcare services

## 5. Confidentiality of records

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

- Data Protection Act 2018
- The General Data Protection Regulations 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 (eg life or death situations); where the law requires information to be passed on, and/or in accordance with the information-sharing principles 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.

Our Practice policy is to respect the privacy of our patients, their families and our staff and to maintain compliance with the General Data Protection Regulation (GDPR) and all UK specific Data Protection Requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The Practice will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor for The De Parys Group an appropriate contract (art 24-28) will be established for the processing of your information.

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the Data Protection Officer in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative requirement.

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 in an identifiable format. In some circumstances you can Opt-out of the surgery sharing any of your information for research purposes.

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. All employees and sub-contractors engaged by our Practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for The De Parys Group an appropriate contract (art 24-28) will be established for the processing of your information.

## **6. Computer System**

This Practice operates a clinical computer system on which staff record information securely. This information can then be shared with other health professionals so that everyone caring for you is fully informed about your medical history, including allergies and medication.

To provide around-the-clock safe care, unless you have asked us not to, we will make information available to our Partner Organisations (Section 8). Wherever possible, their staff will ask your consent before your information is viewed.

## 7. Storage of electronic data

All the personal data we hold is processed by our staff in the UK however for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No 3rd parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place such as a Data Processor as above).

## 8. How long will we store your information?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records management code of practice for health and social care and national archives requirements.

More information on records retention can be found online at:

<https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

## 9. Our partner organisations

To support your care and improve the sharing of relevant information to our partner organisations (as above) when they are involved in looking after you, we will share information to other systems. You can opt out of this sharing of your records with our partners at any time if this sharing is based on your consent.

- NHS Trusts / Foundation Trusts
- GPs
- Out of hours service providers (eg Bedoc)
- Primary Care Network
- NHS Commissioning Support Units
- Independent Contractors such as dentists and opticians,
- Pharmacies, eg for the transmission of prescriptions
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- NHS England (NHSE) and NHS Digital (NHSD)
- Multi Agency Safeguarding Hub (MASH)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors'

## 10. Sharing your information without consent

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- where there is a serious risk of harm or abuse to you or other people
- during safeguarding investigations
- where a serious crime, such as assault, is being investigated or where it could be prevented
- notification of new births
- where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS)
- where a formal court order has been issued
- where there is a legal requirement, eg if you had committed a Road Traffic Offence.

## 11. Anonymised information

Sometimes we may provide information about you in an anonymised form. Such information is used to analyse population-level health issues, and helps the NHS to plan better services. If we share information for these purposes, then none of the information will identify you as an individual and cannot be traced back to you.

In most circumstances you have the right to opt out of your data being used in this way.

## 12. Medicines Management

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients. This service incorporates a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments. The reviews are carried out by the CCG.

## 13. Safeguarding

The Practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are holistically, consistently and conscientiously applied with the wellbeing of all, at the heart of what we do.

Our legal basis for processing For the General Data Protection Regulation (GDPR) purposes is: -

*Article 6(1)(e) ‘... exercise of official authority...’.*

For the processing of special categories data, the basis is: -

*Article 9(2)(b) – ‘processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law...’*

The data processed by Practice staff in the event of a safeguarding concern will be limited to that necessary to respond to the concerns raised. In addition to demographic and contact details, we will also process details of what the safeguarding concern is.



We may share information accordingly to ensure duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals.

#### 14. Research

Clinical Practice Research Datalink (CPRD) collects de-identified patient data from a network of GP practices across the UK. Primary care data are linked to a range of other health related data to provide a longitudinal, representative UK population health dataset. You can opt out of your information being used for research purposes at any time (see Section 16), full details can be found here: <https://cprd.com/transparency-information>

CPRD do not hold or process personal data on patients; however, NHS Digital may process 'personal data' for us as an accredited 'safe haven' or 'trusted third-party' within the NHS when linking GP data with data from other sources. The legal bases for processing this data are:

- Medicines and medical device monitoring: Article 6(e) and Article 9(2)(i) - public interest in the area of public health
- Medical research and statistics: Article 6(e) and Article 9(2)(j) - public interest and scientific research purposes

Any data CPRD hold or pass on to bona fide researchers, except for clinical research studies, will have been anonymised in accordance with the Information Commissioner's Office Anonymisation Code of Practice. Data may be held indefinitely for the benefit of future research, but studies will normally only hold the data we release to them for twelve months.

#### 15. Third party processors

In order to deliver the best possible service, the Practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. In addition, the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties include:

- Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and services accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services, telephone systems etc.
- Delivery services (for example if we were to arrange for delivery of any medicines to you).
- Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).

We use a processor, iGPR Technologies Limited ("iGPR"), to assist us with responding to report requests relating to your patient data, such as subject access requests that you submit to us (or that someone acting on your behalf submits to us) and report requests that insurers submit to us under the Access to Medical Records Act 1988 in relation to a life insurance policy that you hold or that you are applying for.

iGPR manages the reporting process for us by reviewing and responding to requests in accordance with our instructions and all applicable laws, including UK data protection laws.

The instructions we issue to iGPR include general instructions on responding to requests and specific instructions on issues that will require further consultation with the GP responsible for your care.

Further details regarding specific third-party processors can be supplied on request to the Data Protection Officer as below.

## **16. Primary Care Network**

The objective of Primary Care Networks (PCNs) is to group practices together to create more collaborative workforces. The aim is that by July 2019, all areas within England will be covered by a PCN.

Primary Care Networks form a key building block of the NHS Long Term Plan. Bringing General Practices together to work “at scale” has been a policy priority for some years for a range of reasons, including improving the ability of practices to recruit and retain staff; to manage financial and estates pressures; to provide a wider range of services to patients and to more easily integrate with the wider health and care system.

All GP practices are expected to come together in geographical networks covering populations of approximately 30–50,000 patients by June 2019.

This means the practice may share your information with other practices within the PCN to provide you with your care and treatment, eg extended hours or out-of-hours services.

## **17. National Data Opt-Out**

You can choose whether your confidential patient information is used for research and planning.

### **Who can use your confidential patient information for research and planning?**

It is used by the NHS, local authorities, university and hospital researchers, medical colleges and pharmaceutical companies researching new treatments.

### **Making your data opt-out choice**

You can choose to opt out of sharing your confidential patient information for research and planning. There may still be times when your confidential patient information is used, for example, during an epidemic where there might be a risk to you or to other people’s health. You can also still consent to take part in a specific research project.

### **Will choosing this opt-out affect your care and treatment?**

No, your confidential patient information will still be used for your individual care. Choosing to opt out will not affect your care and treatment. You will still be invited for screening services, such as screenings for bowel cancer.

## What should you do next?

You do not need to do anything if you are happy about how your confidential patient information is used.

If you do not want your confidential patient information to be used for research and planning, you can choose to opt out securely online or through a telephone service.

You can change your choice at any time. To find out more or to make your choice visit [nhs.uk/your-nhs-data-matters](https://nhs.uk/your-nhs-data-matters) or call 0300 303 5678

## 18. Contacting you

Because we are obliged to protect any confidential information we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up-to-date details. This is to ensure we are sure we are actually contacting you and not another person. As this is operated on an 'opt out' basis we will assume that you give us permission to contact you via SMS if you have provided us with your mobile telephone number. Please let us know if you wish to opt out of this SMS service. We may also contact you using the email address you have provided to us. Please ensure that we have your up-to-date details.

There are times that we may want to use your information to contact you or offer you services, not directly about your healthcare, for example to invite you to take part in a research study.

At any stage where we would like to use your data for anything other than the specified purposes and where there is no lawful requirement for us to share or process your data, we will ensure that you have the ability to consent and opt-out prior to any data processing taking place. This information is not shared with third parties or used for any marketing and you can unsubscribe at any time via phone, email or by informing the practice DPO as below.

## 19. Access to your personal information

You have a right under the data protection legislation to request access to view or to obtain copies of the information the surgery holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the Practice. (For information from a hospital or other Trust/ NHS organisation you should write direct to them.
- There is no charge to have a copy of the information held about you
- We are required to provide you with information within one month

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 information we hold about you at any time.

## **What should you do if your personal information changes?**

You should tell us so that we can update our records please contact the Practice Manager as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number), the Practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

## **Online Access**

You may ask us if you wish to have online access to your medical record, eg through the NHS App. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

## **20. Amending your Data**

Even if we already hold your personal data, you still have various rights in relation to it. To get in touch about these, please contact us. We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

### **Right to object:**

If we are using your data and you do not agree, you have the right to object. We will respond to your request within one month (although we may be allowed to extend this period in certain cases). This is NOT an absolute right sometimes we will need to process your data even if you object.

### **Right to withdraw consent:**

Where we have obtained your consent to process your personal data for certain activities (eg for a research project) you may withdraw your consent at any time.

### **Right to erasure:**

In certain situations (eg where we have processed your data unlawfully), you have the right to request us to "erase" your personal data. We will respond to your request within one month (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply.

### **Right of data portability:**

If you wish, you have the right to transfer your data from us to another data controller. We will help with this with a GP to GP data transfer and transfer of your paper-based notes.

## **21. Third parties**

Sometimes we record information about third parties mentioned by you to us during any consultation, or contained in letters we receive from other organisations. We are under an

obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself.

## **22. Website**

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective Privacy Notice. We take no responsibility (legal or otherwise) for the content of other websites.

The Surgery's website uses cookies. For more information on which cookies we use and how we use them, please see our Cookies Policy on the website.

## **23. CCTV recording**

CCTV is installed on our practice premises covering both the external area of the building and the internal area excluding consulting rooms. Images are held to improve the personal security of patients and staff whilst on the premises, and for the prevention and detection of crime. The images are recorded onto an integral hard drive of the equipment and are overwritten on a rolling basis. Viewing of these digital images is password protected and controlled by the Practice Manager.

## **24. Telephone system**

Our telephone system records all telephone calls. Recordings are retained for up to 28 days, and are used periodically for the purposes of seeking clarification where there is a dispute as to what was said and for staff training. Access to these recordings is restricted to named senior staff.

## **25. Objections / Complaints**

Should you have any concerns about how your information is managed at the GP, please contact the GP Practice Manager or the Data Protection Officer as above. If you are still unhappy following a review by the Practice, you have a right to lodge a complaint with a supervisory authority: You have a right to complain to the UK Supervisory Authority as below:

Information Commissioner:  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545745  
<https://ico.org.uk/>

If you are happy for your data to be 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 Data Protection Officer.

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer as below.

## **26. Changes to this Notice**

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice Data Protection Officer (Section 27)

## **27. Data Protection Officer**

The Practice Data Protection Officer is Judith Jordan, Head of Integrated Governance, Arden & GEM . Any queries regarding Data Protection issues should be addressed to her at: -

Email: [agem.dpo@nhs.net](mailto:agem.dpo@nhs.net)