

## Bentham Medical Practice - Privacy Notice

### 1) **Data Controller**

Under the regulations the data controller for your personal data is:

**Bentham Medical Practice**  
**Grasmere drive**  
**High Bentham Lancaster**  
**LA2 7JP**  
**015242 61202**

### 2) **Data Protection Officer**

Under the regulations the data protection officer for Bentham Medical Practice is:

**Jonathan Scott**  
**Practice manager**  
**Bentham Medical Practice**  
**High Bentham**  
**Lancaster**  
**LA2 7JP**

### 3) **Purpose of processing your data**

The purpose of processing your data is for the provision of direct health care

### 4) **Lawful basis for processing your data**

The following articles apply as a lawful basis for processing your data:

For consented processing (safeguarding);

Article 6(1)a "the data subject has given consent to the processing of his or her personal data for one or more specific purposes"

For unconsented processing (safeguarding);

Article 6(1)c" processing is necessary for compliance with a legal obligation to which the controller is subject"

For provision of direct medical care;

Article 6(1)e “necessary for the performance of a task carried out in the public interest or in the exercise of official authority”

And:

Article 9(2)h “necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”

And for safeguarding;

Article 9(2)b “Necessary for the purposes of carrying out the obligations and exercising the specific rights of the data controller or the data subject in the field of social protection law in so far as it is authorized by Union or Member State Law

## **5) Common Law Duty of Confidentiality**

Common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent. In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.

## **6) 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.

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

NHS health care 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 this GP Practice hold about you may include the following information;

- Details about you, such as your name, address, carers, legal representatives and 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

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.

The general principle is that people who have access to your record will normally only have access to the parts of it which they need to see to fulfil their roles.

You have the right to object to our sharing your data but we have an overriding responsibility to do what is in your best interest.

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.

## **7) 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 readmission to hospital 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 and is only provided back to your GP as data controller in an unidentifiable 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.

## **8) 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 practices within South Lakes and North Lancs, of which Bentham is one, through Morecambe Bay Clinical Commissioning Group.

## **9) 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 Act 1998 and General Data Protection Regulation 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 (i.e. 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.

#### **10) 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
- Other GP practices and 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 happen when this is required.

We may also use external companies to process personal information, such as IT services providing electronic care records systems or for archiving purposes etc. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

## 11) Access to personal information

You have a right under the General Data Protection Regulations (GDPR), to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. In order to request this, you need to do the following:

- Your request must be made in writing to the GP – for information from the hospital you should write direct to them
- Usually there will be no charge to you for provide a copy of your medical record unless the amount of work involved is unduly excessive or repetitive
- We are required to respond to you within 30 days
- 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
- You can ask for the information in either paper or electronic format
- You can sign up to view your full medical record on line. Ask for details

## 12) Safeguarding

Some members of society are recognized as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm we are expected as professionals to do what we can to protect them. In addition we are bound by certain specific laws that exist to protect individual. This is called “Safeguarding”.

Where there is a suspected or actual safeguarding issue we will share information that we hold with other relevant agencies whether or not the individual or their representative agrees.

There are three laws that allow us to do this without relying on the individual or their representative agreement (unconsented processing), these are:

Section 47 of The Children Act 1989.

<https://www.legislation.gov.uk/ukpga/1989/41/section/47>

Section 29 of Data Protection Act (prevention of crime)

<https://www.legislation.gov.uk/ukpga/1998/29/section/29>

Section 45 of the Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>

In addition there are circumstances when we will seek the agreement (consented processing) of the individual or their representative to share information with local child protection services

Section 17 Childrens Act 1989

<https://www.legislation.gov.uk/ukpga/1989/42/section/17>

### **13) Summary Care Record**

The Summary Care Record is an English NHS development. It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in England. The basic data is automatically extracted from your GP's electronic record system and uploaded to the central system. GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient.

As well as this basic record additional information can be added, and this can be far reaching and detailed. However, whereas the basic data is uploaded automatically any additional data will only be uploaded if you specifically request it with your consent.

Summary Care Records can only be viewed within the NHS on NHS smartcard controlled screens or by organisations, such as pharmacies, contracted to the NHS

You can find out more about the SCR at <https://digital.nhs.uk/summary-care-records>

You have the right to object to our sharing your data in these circumstances and you can ask your GP to block uploads.

### **14) Direct Care - Emergencies**

There are occasions when intervention is necessary in order to save or protect a patient's life or to prevent them from serious immediate harm, for instance during a collapse or diabetic come or serious injury or accident. In any of these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other

emergency health care services, the police or fire brigade, so you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extent of care they will receive should they fall ill in the future. These are known as “advance directives”. If lodged in your records these will normally be honoured despite the observations in the first paragraph

## **15) National Screening Programs**

The NHS provides national screening programs so that certain diseases can be detected at an early stage. These currently apply to bowel cancer, breast cancer, aortic aneurysms and diabetic retinal screening services. The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening program.

More information can be found at; <https://www.gov.uk/topic/population-screening-programmes>

Alternatively please enquire at reception

## **16) Payments**

Contract holding GPs in the UK receive payments from their respective governments on a tiered basis. Most of the income is derived from baseline capitation payments made according to the number of patients registered with the practice. These amounts paid per patient vary according to the age, sex and other demographic details for each patient. There are graduated payments made according to the practice’s achievement of certain agreed national quality targets known as The Quality and Outcomes Framework (QOF), for instance the proportion of diabetic patients who have had an annual review. Practices can also receive payments for participating in agreed national or local enhanced services, for instance opening early in the morning in the evening or at the weekend. Practices can also receive payments for certain national incentives such as immunisation programs and practices may also receive incomes relating to a variety of non-patient related elements such as premises. Finally there are short term initiatives and projects that practices can take part in. Practices

or GPs may also receive income for participating in the education of medical students, junior doctors and GPs themselves as well as research.

In order to make payments basic and relevant necessary data about you needs to be sent to the various payment services. The release of this data is required by English Law

## 17) NHS Digital

NHS Digital is the secure haven\* for NHS patient data, a single secure repository where data collected from all branches of the NHS is processed. NHS Digital provides reports on the performance of the NHS statistical information, audits and patient outcomes (<https://digital.nhs.uk/data-and-information>). Examples include; A/E and outpatient waiting times, the numbers of staff in the NHS, percentage target achievements, payments to GPs etc. and more specific targeted data collections and reports such as the Female Genital Mutilation, general practice appointments data and English National Diabetes Audits GPs are required by the Health and Social Care Act to provide NHS Digital with information when instructed. This is a legal obligation which overrides any patient wishes. These instructions are called “Directions”

More information on the directions placed on GPs can be found at

<https://digital.nhs.uk/article/8059/NHS-England-Directions-> and [www.nhsdatasharing.info](http://www.nhsdatasharing.info)

\*The BMA has serious concerns regarding the status of NHS Digital as a “safe haven” and is not confident it has acted a a secure repository for patient data. See [https://www.bma.org.uk/-/media/files/pdfs/collective%20voice/influence/uk%20governments/bma-submission-to-hoc-health-cttee-on-the-mou\\_final.pdf?la=en](https://www.bma.org.uk/-/media/files/pdfs/collective%20voice/influence/uk%20governments/bma-submission-to-hoc-health-cttee-on-the-mou_final.pdf?la=en)

## 18) 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 such as date of birth is incorrect 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.

## 19) 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.

This information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk)

The practice is registered with the Information Commissioners Office (ICO).

## 20) Objections / Complaints

Should you have any concerns about how your information is managed by the Practice please contact the Practice Manager at the following address:

**Bentham Medical Practice**  
**Grasmere Drive**  
**High Bentham**  
**Lancaster**  
**LA2 7JP**

If you are still unhappy following a review by the Practice you can then complain to the **Information Commissioners Office (ICO)**. [www.ico.org.uk](http://www.ico.org.uk),  
email: [casework@ico.org.uk](mailto:casework@ico.org.uk) ,  
telephone: 0303 123 1113 (local rate) or 01625 545 745

## 21) Patients on Warfarin monitoring therapy

The company that have the software which we use to monitor patients Warfarin level, INR Star, are moving where they store it.

They plan to migrate this from its current location to a new, Cloud-First technology which aligns with the NHS architectural principle of Public Cloud First. Cloud First technology offers enhanced security, increased reliability and improved system performance at peak times, enabling them to provide a robust service to the practice and patients whilst providing confidence that the data they have is held safely and securely.

The data will continue to reside in a UK Government approved data centre located in England, throughout and following the migration. The data held in INR Star will not be modified and there will be no changes to the way in which it is processed during or after the migration.

None of your data will be passed on to any third parties and this isn't part of the NHS data opt out which has recently been in the press.

For more information please follow this link to their privacy policy:

<https://lumiradxcareolutions.com/wp-content/uploads/2018/11/LumiraDx-Care-Solutions-UK-Ltd-Privacy-Policy-v3.pdf>

A copy of this Privacy Notice can be viewed on our website [www.benthamsurgery.org.uk](http://www.benthamsurgery.org.uk)