

**This document is designed to help patients understand why, and how, we use their data.**

## **1. How your information is used to provide you with healthcare.**

This Partnership keeps medical records confidential and complies with the General Data Protection Regulation (GDPR).

We hold your medical record (in a mix of both electronic and paper form) so that we can provide you with safe care and treatment. The data covers details about you such as your name, address, date of birth, next of kin, carer if you have one (or are a carer). It includes details of consultations and tests, done both at your practice, any previous practice and at hospitals.

This data is used to help inform our consultations and treatments we offer you, as well as the medication you are prescribed.

We will also use your information so that this Partnership can check and review the quality of the care we provide. This helps us to improve our services to you.

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. There are strict agreements as to how this data will be used “data sharing agreements”. For example, your GP will share information when they refer you to a specialist in a hospital. Or your GP will send details about your prescription to your chosen pharmacy. Other organisations might include independent contractors such as opticians or dentists, the Police or the Voluntary sector (Charities), letter mailing3 companies.
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your Summary Care Record For more information see: <https://digital.nhs.uk/summary-care-records>.
- You have the right to object to information being shared for your own care. Please speak to you practice if you wish to object. You also have the right to have any mistakes or errors corrected.

Your information will only be shared if there is a legitimate legal use for it to be shared. Staff are trained in information governance, confidentiality is a core element of all employees conditions of employment.

## **Other important information about how your information is used to provide you with healthcare.**

### **Registering for NHS care**

- All patients who receive NHS care are registered on a national database.
- This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
- The database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data.
- More information can be found at <https://digital.nhs.uk/> or by ringing general enquiries at NHS Digital is 0300 303 5678

### **Identifying patients who might be at risk of certain diseases**

- Your medical records will be searched by a computer programme so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
- This means we can offer patients additional care or support as early as possible.
- Information which identifies you will only be seen by personnel working for the partnership and are bound by information governance rules.

## **Safeguarding**

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.
- These circumstances are rare.
- We do not need your consent or agreement to do this.

## **2) How your information is used for medical research and to measure the quality of care.**

### **Medical research**

Wyre Forest Health Partnership in common with many other General Practices, from time to time shares information from medical records:

- to support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best;
- we will also use your medical records to carry out specific analysis of the data we hold within the partnership.

This is important because:

- the use of information from GP medical records is very useful in developing new treatments and medicines;
- medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

We share information with medical research organisations and studies with your explicit consent or when the law allows.

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to your practice if you wish to object

## Checking the quality of care - national clinical audits

Wyre Forest Health Partnership contributes to national clinical audits so that healthcare can be checked and reviewed.

- Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
- The results of the checks or audits can show where hospitals are doing well and where they need to improve.
- The results of the checks or audits are used to recommend improvements to patient care.
- Data are sent to NHS Digital, a national body with legal responsibilities to collect data.
- The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website: <https://www.hqip.org.uk/> or phone 020 7997 7370.
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object.

### 3) How your information is shared so that this practice can meet legal requirements.

The law requires Wyre Forest Health Partnership to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so.

We must also share your information if a court of law orders us to do so.

#### NHS Digital

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.
- It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.
- This Partnership must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
- More information about NHS Digital and how it uses information can be found at: <https://digital.nhs.uk/home>

### Care Quality Commission (CQC)

- The CQC regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
- For more information about the CQC see: <http://www.cqc.org.uk/>

### Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
- We will report the relevant information to local health protection team or Public Health England.
- For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

#### 4) How your information is used in National Screening Programmes

##### National screening programmes

- The NHS provides national screening programmes so that certain diseases can be detected at an early stage.
- These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.
- The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.
- More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the practice.

We are required by law to provide you with the following information about how we handle your information.

<b>Data Controller</b> contact details	Wyre Forest Health Partnership Chair Head Office c/o Bewdley Medical Centre Dog Lane Bewdley Worcestershire DY12 2EF
<b>Data Protection Officer</b> contact details	The DPO service for the Worcestershire GP practices is provided by the CSU The named DPO is;  Hayley Gidman, Midlands and Lancashire Commissioning Support Unit Heron House 120 Grove Road Fenton Stoke-on-Trent ST4 4LX  E-mail: <a href="mailto:mlcsu.dpo@nhs.net">mlcsu.dpo@nhs.net</a> Telephone: 01782 872648

<p><b>Purpose</b> of the processing</p>	<ul style="list-style-type: none"> <li>• To give direct health or social care to individual patients.</li> <li>• For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.</li> <li>• To check and review the quality of care. (This is called audit and clinical governance).</li> <li>• Medical Research and to check the quality of care which is given to patients (this is called national clinical audit).</li> <li>• Compliance with legal obligations or a court order</li> </ul>
<p><b>Lawful basis</b> for processing</p>	<p>These purposes are supported under the following sections of the GDPR:</p> <p><i>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</i></p> <p><i>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...’</i></p> <p>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p> <p>For medical research: there are two Article 9 conditions upon which the Partnership[ relies</p> <p>Article 9(2)(a) – ‘<i>the data subject has given explicit consent...</i>’ else</p> <p>Article 9(2)(j) – ‘<i>processing is necessary for... scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued,</i></p>

	<p><i>respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’.</i></p> <p>To check the quality of care (clinical audit): Article 9(2)(h) – <i>‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p> <p>For legal processing the Partnership relies</p> <p style="text-align: center;"><i>Article 6(1)( c) - ‘processing is necessary for compliance with a legal obligation to which the controller is subject’</i></p>
<p><b>Recipient or categories of recipients of the processed data</b></p>	<p>The data will be shared with:</p> <ul style="list-style-type: none"> <li>• healthcare professionals and staff in this Partnership;</li> <li>• local hospitals;</li> <li>• out of hours services;</li> <li>• diagnostic and treatment centres;</li> <li>• or other organisations involved in the provision of direct care to individual patients.</li> </ul> <p>For national clinical audits which check the quality of care, the data will be shared with:</p> <ul style="list-style-type: none"> <li>• NHS Digital</li> </ul> <p>For legal requirements the data will be shared with</p> <ul style="list-style-type: none"> <li>• NHS Digital.</li> <li>• The Care Quality Commission.</li> <li>• The data will be shared with our local health protection team or Public Health England.</li> <li>• The court if ordered.</li> </ul>
<p><b>Rights to object</b></p>	<ul style="list-style-type: none"> <li>• You have the right to object to information being shared between those who are providing you with direct care.</li> <li>• This may affect the care you receive – please speak to the practice.</li> <li>• You are not able to object to your name, address and other demographic information being sent to NHS Digital.</li> </ul>

	<ul style="list-style-type: none"> <li>• This is necessary if you wish to be registered to receive NHS care.</li> <li>• You are not able to object when information is legitimately shared for safeguarding reasons.</li> <li>• In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.</li> <li>• You will have the right to opt out under the national data opt out model once launched, which gives you an easy way to opt out of information that identifies you being shared or used for medical research purposes and quality checking or audit purposes.</li> </ul> <p>There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.</p> <p><b>NHS Digital</b></p> <ul style="list-style-type: none"> <li>• You have the right to object to information being shared with NHS Digital for reasons other than your own direct care.</li> <li>• This is called a 'Type 1' objection – you can ask your practice to apply this code to your record.</li> <li>• Please note: The 'Type 1' objection, however, will no longer be available after 2020.</li> <li>• This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.</li> </ul> <p><b>Public health</b></p> <ul style="list-style-type: none"> <li>• Legally information must be shared under public health legislation. This means that you are unable to object.</li> </ul> <p><b>Care Quality Commission</b></p> <ul style="list-style-type: none"> <li>• Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.</li> </ul>
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	<p>Court order Your information must be shared if it ordered by a court. This means that you are unable to object.</p> <p>For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme. See: <a href="https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes">https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</a></p>
<b>Right to access and correct</b>	<ul style="list-style-type: none"> <li>• You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website.</li> <li>• We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</li> </ul>
<b>Retention period</b>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a></p>
<b>Right to complain</b>	<p>You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call the helpline <b>0303 123 1113</b></p>
<b>Data we get from other organisations</b>	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.</p>