

BEAUCHAMP HOUSE SURGERY

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Fair Processing and Privacy Notice

Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how Beauchamp House Surgery will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

Providing a 'Privacy Notice' is a way of stating the Practice's commitment to being transparent and is a part of fair processing. It includes information on how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

Data Controller

As your registered GP practice, we are the data controller for any personal data that we hold about you.

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether it is received directly from you or from a third party in relation to your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' – meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to, name, date of birth, full postcode, address, next of kin and NHS number.

- ‘Special category/sensitive data’ such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (eg from an acute hospital, GP surgery, community care provider, mental health care provider, walk in centre, social services). These records may be electronic, a paper record, or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Why do we collect this information?

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public’s interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

How is the information collected?

Your information will be collected either electronically using secure NHS Mail or a secure electronic system transferred over an NHS encrypted network connection. In addition, physical information will be sent to the practice. This information will be retained within the surgery’s electronic patient record system or within your physical (paper) medical records.

Who will we share your information with?

In order to deliver and co-ordinate your health and social care, we may share information with the following organisations:

- Local GP practices in order to deliver extended primary care services
- NHS organisations, eg Mid Essex Hospitals Trust (Broomfield and Braintree Hospitals), Mid Essex Clinical Commissioning Group (CCG)
- 111 and Out of Hours services
- Ambulance Trusts
- Independent contractors, such as dentists, opticians and pharmacists
- Local Social Services and community care services
- Voluntary support organisations commissioned to provide services by Mid Essex CCG or Essex County Council

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations. Your information will not be shared outside of the European Union.

Whilst we might share your information with the above (and similar) organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition we receive data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve 'out of hospital care'.

The Practice is active for Clinical Research. Sometimes your information may be used for assessing your suitability for inviting you to be involved in clinical research studies. The Practice will always gain your consent before releasing your personal information.

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

Consent and Objections

Do I need to give my consent?

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore, Beauchamp House Surgery may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Beauchamp House Surgery will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

What will happen if I withhold my consent or raise an objection?

You have the right to withdraw your consent to any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact Beauchamp House Surgery for further information and to raise your objection.

Health Risk Screening/Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age,

gender, NHS number, diagnosis, existing long term conditions, medication history, patterns of hospital attendances, admissions and periods of access to community care, your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise, Risk Stratification is used in the NHS to:

- Help decide if a patient is at greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

Your GP will use computer-based algorithms or calculations to identify registered patients who are at most risk, with support from the local IT Commissioning Support Unit (CSU) and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by Mid Essex CCG in accordance with the current Section 251 Agreement. Neither the CSU nor the CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual, technical and security measures in place.

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the practice. This may result in contact being made with you if alterations to the provision of your care are identified.

A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems enable your record to be shared with organisations involved in your direct care, such as:

- GP practices
- Community services, such as district nurses, rehabilitation services and out of hospital services
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care homes
- Mental Health Trusts

- Hospitals
- Social Care organisations
- Pharmacies

In addition, NHS England has implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a co-ordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will not automatically be set up to be shared with the organisations listed above, however this does mean that the information recorded by your GP will not be visible at any other care setting. If you would like for your electronic record to be shared, please speak with your GP.

Keeping data up to date

We have a duty to keep personal data as up to date as is possible. 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. You have a responsibility to inform us of any changes so that our records are accurate and up to date for you.

Your right of access to your records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you, including information held within your medical records, either in electronic or physical format. This is known as the 'right of subject access'. If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment or care. You should however be aware that some details within your health records may be exempt from disclosure, however this will be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record please submit your request in writing to the Practice Manager.

Complaints and reporting of breaches

In the event that you feel that Beauchamp House Surgery has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** to the Practice Manager.

If you remain dissatisfied with our response, you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700, or online at www.ico.gov.uk

We have a duty to record any minor breaches of confidentiality and report any serious breaches to the Information Commissioner's Office within 72 hours.