

## **How your information is shared so that this practice can meet legal requirements**

The law requires Albany Surgery 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. Please see below for more information.

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 practice 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>
- NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here:  
<https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital>

## 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>

## NHS South, Central and West Commissioning Support Unit – Child Health Information Service (CHIS)

- South, Central and West Child Health Information Services (SCW CHIS) is commissioned by NHS England to support the monitoring of care delivered to children.
- Personal data is collected from the child's GP record to enable health screening, physical examination and vaccination services to be monitored to ensure that every child has access to all relevant health interventions.
- The legal basis for data collection: 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...'
- The data processor: SCW, Apollo Medical Software Solutions, System C.
- For more information, please refer to SCW CHIS' Fair Processing Privacy Notice: <https://www.scwcsu.nhs.uk/legal/fair-processing-notice-child-health-information-services>

### **Devon-wide Feasibility Group within SystmOne**

- SystmOne is the clinical system used by Albany Surgery to look after its patient population. Patient-facing staff such as GPs, Pharmacists and Patient Care Co-ordinators use SystmOne each day to care for patients (see: “Fair Processing Notice – SystmOne” for more information).
- The surgery, along with others across Devon, works with the National Institute for Health Research South West Peninsula (NIHR SWP) to deliver and offer clinical trials and research studies to the registered population.
- In addition to offering trials and studies, the surgery works with NIHR SWP to carry out feasibility reports. These allow the NIHR SWP to report on behalf of surgeries to find out whether it is feasible for a study to be opened or considered for the local area (Devon, Cornwall and Somerset).
- The feasibility group does not extract or access patient-identifiable data (“patient-level” data).
- Staff who do this work have obligations to keep data confidential as per: the NHS Code of Practice, GDPR 2018, and Good Clinical Practice.
- Patients who want their data to be excluded from the “top-level” feasibility reports should ask for the surgery to record an opt-out on their record.

### **Torbay and South Devon NHS Foundation Trust - Maternity Unit**

- The Maternity Unit at Torbay and South Devon NHS Foundation Trust uses the clinical system, SystmOne. This is the same clinical system that Albany Surgery uses.
- The Maternity Unit and Albany Surgery will be able to view information created by either party. They will not be able to edit or delete information created by the other party.
- Individual entries can be marked as Private within SystmOne, hiding them from the other party. This can be done at the request of the patient, or at the discretion of the clinician / NHS professional in question.
- The legal basis under which any information will be shared is for GDPR Article 6 1(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 2(h): ‘Processing is 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 management of health or social care systems and services on the basis of union or member state law or pursuant to contract with a health professional and subject to the condition and safeguards referred to in paragraph 3 of this legislation.'

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

<b>Data Controller</b> contact details	Albany Surgery, Grace House, Scott Close Newton Abbot TQ12 1GJ
<b>Data Protection Officer</b> contact details	Bex Lovewell  Sentinel Healthcare SouthWest Community Interest Company c/o Express Diagnostics & Treatment Services 6 Research Way Plymouth PL6 8BU.  Tel: 07375 322 875 Email: <a href="mailto:bex.lovewell@nhs.net">bex.lovewell@nhs.net</a>
<b>Purpose</b> of the processing	Compliance with legal obligations or court order.
<b>Lawful basis</b> for processing	The following sections of the GDPR mean that we can share information when the law tells us to.  Article 6(1)(c) – 'processing is necessary for compliance with a legal obligation to which the controller is subject...'  Article 9(2)(h) – '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...'
<b>Recipient or categories of recipients</b> of the processed data	<ul style="list-style-type: none"> <li>• The data will be shared with NHS Digital.</li> <li>• The data will be shared with the Care Quality Commission.</li> <li>• The data will be shared with our local health protection team or Public Health England.</li> <li>• The data will be shared with the court if ordered.</li> </ul>

<b>Rights to object and the national data opt-out</b>	<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>NHS Digital</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>Public Health</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>Care Quality Commission</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> <p>Court order</p> <ul style="list-style-type: none"> <li>• Your information must be shared if it ordered by a court. This means that you are unable to object.</li> </ul>
<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.</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> or speak to the practice.</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>