

General Data Protection Regulations (GDPR)

What is GDPR?

The EU General Data Protection Regulation (GDPR) applies to all EU member states and will come into force on 25th May 2018. The GDPR is to be read in conjunction with the Data Protection Bill published in September 2017. The overall aim of the GDPR is to protect individuals from data and privacy breaches in an environment that is driven by technological advances.

The GDPR is based on the 1980 'Protection of Privacy and Transborder Flows of Personal Data Guidelines' which outlined the following eight principles:

1. Collection limitation
2. Security safeguards
3. Data quality
4. Openness
5. Purpose specification
6. Individual Participation
7. Use limitation
8. Accountability

The GDPR requires practices to process data 'fairly' and in a 'transparent manner' which is 'easily accessible and easy to understand'. This means that practices must provide information to patients about how the practice processes patient data in the form of 'Practice Privacy Notices (PPN)'.

[Link to surgery PPN](#)

There are four key themes that the PPN discusses. Please see below links for further detail:

1. [Provision of direct care;](#)
2. [Medical research and clinical audit;](#)
3. [Legal requirements to share;](#)
4. [National screening programmes.](#)

Hyperlinks to SEPARATE
PAGES

GDPR – How we handle your Information

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.

Data Controller contact details	Details of the practice or organisation(s) that is(are) acting as Data Controller] TBC
Data Protection Officer contact details	[Insert the designated Data Protection Officer's name and contact details] TBC
Purpose of the processing	Compliance with legal obligations or court order.

<p>Lawful basis for processing</p>	<p>The following sections of the GDPR mean that we can share information when the law tells us to.</p> <p>Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</p> <p>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...’</p>
<p>Recipient or categories of recipients of the processed data</p>	<ul style="list-style-type: none"> · The data will be shared with NHS Digital. · The data will be shared with the Care Quality Commission. · The data will be shared with our local health protection team or Public Health England. · The data will be shared with the court if ordered.
<p>Rights to object and the national data opt-out</p>	<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"> · You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. · This is called a <u>‘Type 1’ objection</u> – you can ask your practice to apply this code to your record (Please note: The ‘Type 1’ objection, however, will no longer be available after 2020). · 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. <p>UPDATE WHEN NATIONAL OPT OUT IS LAUNCHED with link to NHS Digital website.</p> <p>Suggested text: The national data op-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons. To opt-out or to find out more about your opt-out choices please go to NHS Digital’s website:</p> <p>NHS Digital sharing with the Home Office</p> <ul style="list-style-type: none"> · There is no right of objection to NHS Digital sharing names and addresses of patients who are suspected of having committed an immigration offence. <p>Public health</p> <ul style="list-style-type: none"> · Legally information must be shared under public health

	<p>legislation. This means that you are unable to object.</p> <p>Care Quality Commission (CQC)</p> <ul style="list-style-type: none"> · Legally information must be shared when the Care Quality Commission [or name of equivalent body] needs it for their regulatory functions. This means that you are unable to object. <p>Court order</p> <ul style="list-style-type: none"> · Your information must be shared if it ordered by a court. This means that you are unable to object.
Right to access and correct	<p>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 Share link</p> <p>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.</p>
Retention period	<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: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
Right to complain	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline on 0303 123 1113</p>

GDPR – Provision of Direct Care

How does Yardley Green Medical Centre use your information to provide you with healthcare?

This practice keeps medical records confidential and complies with the General Data Protection Regulation. We hold your medical record so that we can provide you with safe care and treatment. We will also use your information so that this practice 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. 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.

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> or alternatively speak to your practice.

You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object. You also have the right to have any mistakes or errors corrected.

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: NHS Digital (<https://digital.nhs.uk/>) or the phone number for general enquires 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.
- This process will involve linking information from your GP record with information from other health or social care services you have used.
- Information which identifies you will only be seen by this practice.
- More information can be found by speaking to the Practice Manager, Randeep Bains.

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.
- Please ask the Practice Manager to see our local policies for more information

GDPR – Medical Research and National Clinical Audit

How your information is used for medical research and to measure the quality of care

Medical research

Yardley Green Medical Centre 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 research within the practice.

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.

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

Checking the quality of care – national clinical audits

Yardley Green Medical Centre 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.

GDPR - Legal Requirements to Share Data

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

The law requires Yardley Green Medical Centre 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 (CQC) 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. Please see below for more information.

· **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>



GDPR - 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.