

## **Privacy Notice**

### **How we use your personal information**

This fair processing notice explains why the GP practice collects information about you and how that information may be used.

The 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 help to provide you with the best possible healthcare.

NHS health 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 which this GP Practice hold about you may include the following information:

- Details about you, such as your address, legal representative, contact details, etc.
- 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.

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.

**If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything.** If you have any concerns about how your data is shared then please contact the Practice.

### **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 a secondary care unplanned or (re)admission 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. 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.

### **Medicines Management Reviews**

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.

### **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 the provisions of the new Data Protection Act 2018, effective from 25 May 2018)
- 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. Wadhurst Medical Group ensures that all employees sign a confidentiality agreement on employment. 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.

### **Retention**

When you leave us to re-register at another Practice your record is transferred electronically to the new Practice. Any paper records we hold for you are transferred to the central Primary Care Support England hub and are transferred out from there to your new practice.

In the event of the death of a patient, any paper records we hold are transferred to the central Primary Care Support England hub and are then held securely by them.

After the death of a patient or in the event of a patient changing Surgery, we have a one month grace period in which to add any paperwork received to their electronic record, after this time the patient will become inactive on our system and we will only be able to access the record through an audit trail process. The Department of Health (2006) Records management: NHS code of practice states that electronic patient records (EPRs) must not be destroyed, or deleted, for the foreseeable future.

### **Who are our partner organisations?**

We may also have to share your information, subject to strict agreements on how it will be used, with some of the following organisations and in some cases ask you for explicit consent for this happen when this is required.

- General Practitioners / Locum Practitioners
- NHS Trusts / Foundation Trusts
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists, etc.
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Health and Social Care Information Centre (HSCIC) renamed NHS Digital July 2016
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- There may be an occasion where we are asked to share data with another approved NHS authorised organisation, these other 'data processors' will be updated on this notice as necessary.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

## **Your right to withdraw consent**

If you are happy for your data to be extracted and used for the purposes described in this fair processing notice then you do not need to do anything. If you do not want your personal data being extracted and leaving the GP practice for any of the purposes described, you need to let us know as soon as possible by completing an Opt Out form, please see Appendix A. We will then enter clinical codes into your electronic health records that will prevent data leaving the practice and / or leaving the central information system at NHS Digital for use by secondary providers. <https://digital.nhs.uk/keeping-patient-data-safe/how-we-look-after-your-health-and-careinformation>.

Before opting out please consider the impact or possible consequences this could have for you, such as delays in receiving care. Further information about opt out is on the NHS Digital website above, otherwise if you wish to discuss further please contact the practice.

## **There are two main types of opt-out.**

### **Type 1 Opt-Out – Medical records held at your GP Practice**

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a ‘Type 1 Opt-Out’. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

### **Type 2 Opt-Out – Information Held by NHS Digital**

If you don't want your confidential patient information to be used for research and planning, you can opt out of this. If you do opt out, there are some specific situations where your data may still be used. Data that does not identify you may still also be used. Your confidential patient information will still be used to support your individual care. Any preference you set using this service will not change this.

If you opt out, your decision will only apply within the health and care system in England. Your opt-out will not apply to your health data where you have accessed health or care services outside of England, such as in Scotland and Wales.

If you wish to exercise your right to withdraw consent and opt-out of either or both of the above options please complete the opt-out form in Appendix A. If you do not wish to opt out, you don't have to do anything at all.

## **Access to personal information**

You have a right under the General Data Protection Regulations to request access to view or to obtain copies of what information the surgery holds about you. For information from the hospital about information they hold about you, you should write directly to them.

In order to request information that Wadhurst Medical Group holds about you, you will need to make a formal request in writing using the Subject Access Request form in Appendix B.

## **Objections / Complaints**

Should you have any concerns about how your information is managed at the practice, or believe that the information held about you is inaccurate please contact the Practice Manager who will review your concerns with Data Protection Officer, Dr Andrew Blackburn, see process for this in Appendix C. 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), [casework@ico.org.uk](mailto:casework@ico.org.uk), telephone: 0303 123 1113 (local rate) or 01625 545 745

## **Website**

The surgery website is produced and hosted by “My Surgery”, for more information about My Surgery terms and conditions (T&Cs) please refer to the link to the site's T&Cs on our website:

<http://www.wadhurstmedicalgroup.co.uk>

**Change of Details**

You have a responsibility to inform us of any changes so our records are accurate and up to date for you. It is important that you tell the surgery 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, as soon as possible.

**Notification**

We are required to register a notification with the Information Commissioner to describe the purposes for which we process personal and sensitive information. The practice is registered with the Information Commissioners Office (ICO), this information is publicly available on their website [www.ico.org.uk](http://www.ico.org.uk)

**Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is:  
Wadhurst Medical Group (ICO No: Z6440109)

**Who is the Data Protection Officer?**

The Data Protection Officer is Dr Andrew Blackburn.

# Appendix A – OPT OUT FOR DATA EXTRACTION

THE WADHURST MEDICAL GROUP

Dr A M T Blackburn  
Dr S Oakley  
Dr A Sikorski

Belmont Surgery  
Wadhurst  
East Sussex  
TN5 6BJ

Tel: 01892 782121  
Appointments: 01892783888  
Fax: 01892 783989

High Weald Lewes and Havens CCG

## PATIENT OPT-OUT GDPR DATA EXTRACTION

SURNAME: .....

FIRSTNAME: .....

OTHER FORENAMES: .....

DATE OF BIRTH: .....

ADDRESS: .....

.....

CONTACT TELEPHONE NUMBERS, INC MOBILE PHONE: .....

### Type 1 Opt-Out – Medical Records Held at your GP Practice

If you do not want information that identifies you to be shared outside the practice, for purposes beyond your direct care, you can register a ‘Type 1 Opt-Out’ by. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. For more information please refer to NHS Digital website: <https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information>

### Type 2 Opt-Out – Information held by NHS Digital

Your Data Choice Your confidential patient information can be used for improving health, care and services, including:

- Planning to improve health and care services
- Research to find a cure for serious illnesses

Your decision will not affect your individual care and you can change your mind anytime you like.

You can register a Type 2 opt-out if you do not want my confidential patient information to be used for research and planning by signing below. If you do not wish to opt out, you don’t have to sign this document or do anything at all.

**I confirm I want to opt-out (please circle choices below, Y to opt-out or N not to opt-out)**

**Type 1 – Y/N**

**Type 2 – Y/N**

Signature: .....

Date: .....

**APPENDIX B**  
**SUBJECT ACCESS REQUEST FOR ACCESS TO HEALTH RECORDS**

Surname .....	Date of Birth (DD/MM/YY) .....
Previous Surname (if applicable) .....	Address .....
First Name (s) .....	.....
Is this your first application?      Yes / No	.....
If you answered No - what date did you last apply?	.....Post Code .....
.....	Contact Tel. No .....

**ACCESS REQUEST**

Type of Request, please tick relevant box below:

View copy of electronic Health Record online at home via Patient Access

View copy of entire Health Record at Surgery with assistance of Surgery staff

Request encrypted disk of full copy of entire Health Record

Please note that our usual format for sending health records is via encrypted disk due to our paperless initiative, if this is not suitable for you please confirm that you would like a paper copy instead

Please provide as much information as possible and **specify in detail if you only require a particular part of your health record**. Please use another blank sheet if necessary.

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**IDENTIFICATION**

Please provide photocopies of two types of identification i.e. passport, driving licence, birth certificate and additional proof of address i.e. bank statement, utility bill. **(Please do not provide originals within your application).**

## THIRD PARTY DISCLOSURE / PROXY ACCESS

I hereby give permission to provide a copy of my health records to a third party.

Name of Third Party: .....

Association / Relationship to Patient:.....

Reason for Access Request:.....

Please read notes below. I have read this form and  
authorise a subject access request to be carried out.

Applicant's Signature: .....

Date: .....

## APPLICATION FOR SUBJECT ACCESS REQUEST (ACCESS TO HEALTH RECORDS)

The current Data Protection Act will become the Data Protection Act 2018 and will be coupled with the new General Data Protection Regulations 2018. The regulations permit you to have access to your Medical Record. This is known as “right of subject access”. As the ‘holder’ of your records the practice is known as the ‘data controller’, and the patient is known as the ‘data subject’ under the Regulations.

### Terms & Conditions

You are entitled to receive the information you require without charge but should note that if your request be deemed unfounded, excessive or repetitive or if the information has not changed over a period of time since the last request then a fee may be charged based on the amount of work involved. This will be assessed on a case by case basis. You should also be aware that in certain circumstances your right to see some details in your health records may be limited if it is deemed by the GP that the sensitive information could cause physical or mental harm.

Any information you have supplied in making this request will be treated in confidence. It will only be used for the purpose of carrying out the search for your information. This practice is only responsible for providing information which is held by us. Please note any missing secondary care information from your record will need to be obtained directly from the provider by you.

### **Third Party/Proxy access**

If your request indicates the release of information to a Third Party/Proxy (e.g. a solicitor, insurance company or relative) please complete the relevant consent section. ***Please think carefully before consenting to sharing data with a Third Party, your medical records may include extremely sensitive personal information which you do not expect to be shared or may not need to be shared as part of your application / case. For example, information could be used to your detriment by Third Parties in a Court Case or by an Insurance company.***

***Should you deem the sharing of your medical record in its entirety inappropriate you may ask the third party to request a “GP Report” from the practice which will only cover information within your record that is relevant to the application or case.***

‘Coercion’ is the act of governing the actions of another by force or by threat, in order to overwhelm and compel that individual to act against their will. Please note if coercion is identified as a risk by the named GP the access may not be granted.



If you are applying for access to your own records, you will need to:

- Complete this form
- Provide two types of identification as well as provide proof of current address (please include photocopies within your form not originals).
- You do not need to give a reason to access your health records.
- Please provide as much information as possible.
- Please ensure that all information provided is accurate and up to date.
- The practice has one month in which to respond to your request. Should for any reason we not be able to respond within the one month timeframe then we will issue you with a letter stating when we will be able to respond (no later than 2 months after the date of the application).
- If access has recently been given, access may not be given until a reasonable time interval has elapsed. What is reasonable depends on the nature of the information, the purposes for which is processed and when it was altered or added to.
- There is no minimum age for applications. Children can apply for their own records provided they are capable of understanding the nature of the request.

A parent or guardian can only apply on the child's behalf if (a) the child has given consent (b) the child is too young to have the understanding to make the request. Please note that a parent does not have a legal right of access to their child's health records.

If you feel you would like to discuss your information request further please telephone the Practice.

Once you have completed all sections of this form, please either post or hand deliver to:

Wadhurst Medical Group

Belmont Surgery

St James Square

Wadhurst

TN5 6BJ

Marked for the attention of: Senior Medical Secretary

or e-mail a scanned copy of the completed form and supporting documents to:

[hwlhccg.belmont@nhs.net](mailto:hwlhccg.belmont@nhs.net)

**PLEASE NOTE THIS E-MAIL ADDRESS IS ONLY TO BE USED FOR THIS PURPOSE**

## **Appendix C – GDPR Objections / Complaints letter example**

**To: Practice Manager**

**Wadhurst Medical Group**

**Belmont Surgery**

**St James Square**

**Wadhurst TN5 6BJ**

*Please provide following details:*

**Your Full Name:**

**Address:**

**Date of Birth**

**Contact Phone numbers:**

**Dear Practice Manager,**

**Details of your objection/complaint/inaccurate information.**

**I confirm that I am happy for the Practice to contact me about this matter using the contact details above.**

*(Please provide details of your objection/complaint about how your information is managed by the GP Practice below; if you are writing to advise the Practice that the information they hold about you is inaccurate provide as much information in your letter as possible).*

**Yours faithfully**

**Name**

**Signature**

**Date of letter**