# Data Privacy Notice: Direct Care

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| **Plain English Explanation:**  Our practice stores personal/sensitive data about you, which includes who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses; the reasons that you seek help, your appointments, where you are seen, when you are seen and who by. For onward referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and their outcomes, your treatment history; the observations and opinions of other healthcare workers, within and outside of the NHS, as well as comments and/notes reasonably made by healthcare professionals in this practice, who are appropriately involved in your health care.  When registering for NHS care, all patients who receive NHS care are registered on a national database; the database is held by NHS Digital (a national organisation which has legal responsibilities to collect NHS data).  GPs have always delegated tasks and responsibilities to others that work with them in their surgeries; on average, individual NHS GPs have between 1,500 to 2,500 patients that are registered with them, for whom he/she is accountable. It is not possible for the GP to provide hands on personal care for each one of those patients in those circumstances; for this reason, the GPs share your care with others, predominantly within the surgery but occasionally with relevant outside organisations.  If your health needs require care from others/elsewhere outside of this practice, we will exchange with them whatever information about you, which is deemed necessary for them to provide that direct care to you. When you contact healthcare providers outside of the practice, but within the NHS, it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. We may receive some reports of contacts you have had with non-NHS services, but this is not always the case.  Your consent to the sharing of such data, within the practice and with those outside of the practice (as outlined above) is assumed and is allowed by the Law.  You have the right to object to our sharing of your data in these circumstances, but we have an overriding responsibility to do what is in your best interests at times when this is required. Please see below.  We are required by Articles in the General Data Protection Regulations (GDPR) to provide you with the information in the following 9 subsections. | |
| **1) Data Controller**  contact details | Drs Hanif & Bannuru  Clayton Health Centre  89 North Road  Clayton  Manchester  M11 4EJ  0161 223 8388 |
| **2) Nominated Data**  **Controller**  contact details | Mrs Dawn Dawson 0161 223 8388  [dawn.gallagher@nhs.net](mailto:dawn.gallagher@nhs.net) |
| 3) **Purpose**  of the processing | ‘Direct Care’ is any care delivered to the individual alone; most of which is provided in the surgery premises. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, the necessary and relevant information about the patient, their circumstances and their problem(s) will need to be shared with other healthcare workers - such as data administrators, therapists, technicians etc.  The information that is shared is required to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and/or care according to your individual needs and priorities.  Data is also used to enable the practice to underpin direct care, for example: letters/reminders/invitations regarding your ongoing healthcare. |
| 4) **Lawful basis**  for processing | The processing of personal data in the delivery of direct care and for providers’ administrative purposes, is supported under the following:  **Article 6 and 9 conditions of the GDPR:**  ***Article 6(1)(e)*** *‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.*  ***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...”*  We will also recognise your rights established under UK case law collectively known as the **“Common Law Duty of Confidentiality” \*** |
| **5)**  **Recipient or categories**  **of recipients**  of the processed data | The data will be shared with health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres, and those who contribute to your personal care. |
| **6)** **Rights to object** | You have the right to object to some or all of the information being processed, under Article 21 of the GDPR. Please contact the Data Controller at the practice, by written letter to request this.  You should be aware that this is a right to ‘raise an objection’; that is not the same as having ‘an absolute right’ to have your wishes granted in every circumstance. |
| **7)**  **Right to access and**  **correct** | You have the right to access the data that is being shared and to request that any proven inaccuracies are corrected. There is no right to have accurate medical records deleted or corrected, except when ordered by a court of Law. |
| **8) Retention period** | The data will be retained in line with the Law and national guidance. <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>  The practice policy regarding Retention Periods, includes:   * SAR and Disclosure Correspondence – 3 years * SAR where there has been an appeal – 6 years * GP records used to compile SAR response – 100 years   *If a patient registers with another GP, the medical records are*  *transferred to the new healthcare provider electronically via the*  *GP2GP function and the Lloyd George (paper) records are*  *forwarded to Primary Care Support England (PCSE) securely, via*  *their Courier service, with a data tracking provision.*   * If not registered elsewhere – 10 years   after death  (*held by PCSE)* |
| **9)**  **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office (ICO); by contacting them as follows:  <https://ico.org.uk/global/contact-us/>  Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) |

**\*** **“Common Law Duty of Confidentiality”:**

Common Law is not written out in one document, like an Act of Parliament. It is a form of Law which is based on previous court cases, decided by judges; hence, it is also referred to as 'Judge-Made' or Case Law. The law is applied by reference to those previous cases, so Common Law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded; or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three lawful circumstances to be considered when making any disclosure of confidential information are:

1. where the individual, to whom the information relates, has consented
2. where disclosure is in the public interest
3. where there is a legal duty to do so, for example: a court order