

The Westbank Practice

www.westbankpractice.com

PRACTICE PRIVACY NOTICE

Westbank Practice has a legal duty to explain how we use any personal information we collect about you, as a registered patient, at the practice. Staff at this practice maintain records about your health and the treatment you receive in electronic and paper format.

WHAT INFORMATION DO WE COLLECT ABOUT YOU?

We will collect information such as personal details, including name, address, next of kin, records of appointments, visits, telephone calls, your health records, treatment and medications, test results, X-rays, etc. and any other relevant information to enable us to deliver effective medical care.

HOW WE WILL USE YOUR INFORMATION

Your data is collected for the purpose of providing direct patient care; however, we can disclose this information if it is required by law, if you give consent or if it is justified in the public interest. The practice may be requested to support research; however, we will always gain your consent before sharing your information with medical research databases such as the Clinical Practice Research Datalink and QResearch or others when the law allows.

In order to comply with its legal obligations, this practice may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012. Additionally, this practice contributes to national clinical audits and will send the data that is required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form; for example, the clinical code for diabetes or high blood pressure.

Processing your information in this way and obtaining your consent ensures that we comply with Articles 6(1)(c), 6(1)(e) and 9(2)(h) of the GDPR.

MAINTAINING CONFIDENTIALITY AND ACCESSING YOUR RECORDS

We are committed to maintaining confidentiality and protecting the information we hold about you. We adhere to the General Data Protection Regulation (GDPR), the NHS Codes of Confidentiality and Security, as well as guidance issued by the Information Commissioner's Office (ICO). You have a right to access the information we hold about you, and if you would like to access this information, you will need to complete a Subject Access Request (SAR). Please ask at reception for a SAR form and you will be given further information. Furthermore, should you identify any inaccuracies, you have a right to have the inaccurate data corrected.

INFORMATION ABOUT YOU FROM OTHERS

We also collect personal information about you when it is sent to us from the following:

A. a hospital, a consultant or any other medical or healthcare professional, or any other person involved with your general healthcare.

The Westbank Practice

www.westbankpractice.com

YOUR SUMMARY CARE RECORD

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England.

This record may be shared with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

You may have the right to demand that this record is not shared with anyone who is not involved in the provision of your direct healthcare. If you wish to enquire further as to your rights in respect of not sharing information on this record then please contact our Data Protection Officer.

To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, please visit www.nhs.uk/my-datachoice.

Note if you do choose to opt out, you can still consent to your data being used for specific purposes. However, if you are happy with this use of information you do not need to do anything. You may however change your choice at any time.

WHO WE MAY PROVIDE YOUR PERSONAL INFORMATION TO, AND WHY

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care Services, important information about you is collected to help ensure you get the best possible care and treatment. This information may be passed to other approved organisations where there is a legal basis, to help with planning services, improving care, research into developing new treatments and preventing illness. All of this helps in improving better care to you and your family and future generations. However, as explained in this privacy notice, confidential information about your health and care is only used in this way where allowed by law and would never be used for any other purpose without your clear and explicit consent.

We may pass your personal information on to the following people or organisations, because these organisations may require your information to assist them in the provision of your direct healthcare needs. It, therefore, may be important for them to be able to access your information in order to ensure they may properly deliver their services to you:

- Hospital professionals (such as doctors, consultants, nurses, etc);
- Other GPs/Doctors;
- Pharmacists;
- Nurses and other healthcare professionals;
- Dentists;
- Any other person that is involved in providing services related to your general healthcare, including mental health professionals.

OTHER PEOPLE WHO WE PROVIDE YOUR INFORMATION TO

- Commissioners;
- Clinical Commissioning Groups;

The Westbank Practice

www.westbankpractice.com

- Local authorities;
- Community health services;
- For the purposes of complying with the law e.g. Police, Solicitors, Insurance Companies;
- Anyone you have given your consent to, to view or receive your record, or part of your record.

Please note, if you give another person or organisation consent to access your record we will need to contact you to verify your consent before we release that record. It is important that you are clear and understand how much and what aspects of, your record you give consent to be disclosed.

- **G. Extended Access** – we provide extended access services to our patients which means you can access medical services outside of our normal working hours. In order to provide you with this service, we have formal arrangements in place with the Clinical Commissioning Group and with the surgeries that form the Exeter GP Federation named Exeter Primary Care. This means, these practices will have to have access to your medical record to be able to offer you the service. Please note to ensure that those practices comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only.
- **H. Data Extraction by the Clinical Commissioning Group** – the clinical commissioning group at times extracts medical information about you, but the information we pass to them via our computer systems **cannot identify you to them**. This information only refers to you by way of a code that only your practice can identify (it is pseudo-anonymised). This therefore protects you from anyone who may have access to this information at the Clinical Commissioning Group from **ever** identifying you as a result of seeing the medical information and we will **never** give them the information that would enable them to do this. There are good reasons why the Clinical commissioning Group may require this pseudo-anonymised information. This information is used to plan and improve services. The information collected includes data such as the area patients live, age, gender, ethnicity, language preference, country of birth and religion. The CCG also collects information about whether patients have long term conditions such as diabetes; blood pressure, cholesterol levels and medication.

ANONYMISED INFORMATION

Sometimes we may provide information about you in an anonymised form. If we do so, then none of the information we provide to any other party will identify you as an individual and cannot be traced back to you.

YOUR RIGHTS AS A PATIENT

The Law gives you certain rights to your personal and healthcare information that we hold, as set out below:

- **Access and Subject Access Requests**

You have the right to see what information we hold about you and to request a copy of this information. If you would like a copy of the information we hold about you please put your request in writing for the attention of the Practice Manager. We will provide this information free of charge however, we may in

The Westbank Practice

www.westbankpractice.com

some **limited and exceptional** circumstances have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive.

We have one month to reply to you and give you the information that you require. We would ask, therefore, that any requests you make are in writing and it is made clear to us what and how much information you require.

- **Online Access**

You may ask us if you wish to have online access to your medical record. However, there will be certain protocols that we have to follow in order to give you online access, including written consent and production of documents that prove your identity, or verification of who you are.

Please note that when we give you online access, the responsibility is yours to make sure that you keep your information safe and secure if you do not wish any third party to gain access.

- **Correction**

We want to make sure that your personal information is accurate and up to date. You may ask us to correct any information you think is inaccurate. It is very important that you make sure you tell us if your contact details including your mobile phone number has changed.

- **Removal**

You have the right to ask for your information to be removed however, if we require this information to assist us in providing you with appropriate medical services and diagnosis for your healthcare, then removal may not be possible.

- **Objection**

We cannot share your information with anyone else for a purpose that is not directly related to your health, e.g. medical research, educational purposes, etc. We would ask you for your consent in order to do this however, you have the right to request that your personal and healthcare information is not shared by the Surgery in this way. Please note the Anonymised Information section in this Privacy Notice.

- **Transfer**

You have the right to request that your personal and/or healthcare information is transferred, in an electronic form (or other form), to another organisation, but we will require your clear consent to be able to do this.

THIRD PARTIES MENTIONED ON YOUR MEDICAL RECORD

Sometimes we record information about third parties mentioned by you to us during any consultation. We are under an obligation to make sure we also protect that third party's rights as an individual and to ensure that references to them which may breach their rights to confidentiality, are removed before we send any information to any other party including yourself. Third parties can include: spouses, partners, and other family members.

The Westbank Practice

www.westbankpractice.com

HOW WE USE THE INFORMATION ABOUT YOU

We use your personal and healthcare information in the following ways:

- when we need to speak to, or contact other doctors, consultants, nurses or any other medical/healthcare professional or organisation during the course of your diagnosis or treatment or on-going healthcare;
- when we are required by Law to hand over your information to any other organisation, such as the police, by court order, solicitors, or immigration enforcement.

We will never pass on your personal information to anyone else who does not need it, or has no right to it, unless you give us clear consent to do so.

LEGAL JUSTIFICATION FOR COLLECTING AND USING YOUR INFORMATION

The Law says we need a **legal basis** to handle your personal and healthcare information.

- **CONTRACT:** We have a contract with NHS England to deliver healthcare services to you. This contract provides that we are under a legal obligation to ensure that we deliver medical and healthcare services to the public.
- **CONSENT:** Sometimes we also rely on the fact that you give us consent to use your personal and healthcare information so that we can take care of your healthcare needs.

Please note that you have the right to withdraw consent at any time if you no longer wish to receive services from us.

- **NECESSARY CARE:** Providing you with the appropriate healthcare, where necessary. The Law refers to this as 'protecting your vital interests' where you may be in a position not to be able to consent.
- **LAW:** Sometimes the Law obliges us to provide your information to an organisation (see above).

SPECIAL CATEGORIES

The Law states that personal information about your health falls into a special category of information because it is very sensitive. Reasons that may entitle us to use and process your information may be as follows:

- **PUBLIC INTEREST:** Where we may need to handle your personal information when it is considered to be in the public interest. For example, when there is an outbreak of a specific disease and we need to contact you for treatment, or we need to pass your information to relevant organisations to ensure you receive advice and/or treatment;
- **CONSENT:** When you have given us consent;

The Westbank Practice

www.westbankpractice.com

- **VITAL INTEREST:** If you are incapable of giving consent, and we have to use your information to protect your vital interests (e.g. if you have had an accident and you need emergency treatment);
- **DEFENDING A CLAIM:** If we need your information to defend a legal claim against us by you, or by another party;
- **PROVIDING YOU WITH MEDICAL CARE:** Where we need your information to provide you with medical and healthcare services

The Data Protection Officer

The Data Protection Officer for the Surgery is Bex Lovewell who can be contacted as follows: email: bex.lovewell@nhs.net address: Delt Shared Services Ltd., BUILDING 2 – DELT, Derriford Business Park, Plymouth, PL6 5QZ.

Please contact her if:

- You have any questions about how your information is being held;
- If you require access to your information or if you wish to make a change to your information;
- If you wish to make a complaint about anything to do with the personal and healthcare information we hold about you;
- Or any other query relating to this Policy and your rights as a patient.

Risk stratification

Risk stratification is a mechanism used to identify and subsequently manage those patients deemed as being at high risk of requiring urgent or emergency care. Usually this includes patients with long-term conditions, e.g. cancer. Your information is collected by a number of sources, including Westbank Practice; this information is processed electronically and given a risk score which is relayed to your GP who can then decide on any necessary actions to ensure that you receive the most appropriate care.

Invoice validation

Your information may be shared if you have received treatment to determine which Clinical Commissioning Group (CCG) is responsible for paying for your treatment. This information may include your name, address and treatment date. All of this information is held securely and confidentially; it will not be used for any other purpose or shared with any third parties.

Opt-outs

You have the right to object to your information being shared under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of sharing information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.

To opt-out of your identifiable information being shared for medical research or to find out more about your opt-out choices please ask a member of staff or go to NHS Digital's website:

<https://digital.nhs.uk/services/national-data-opt-out-programme>

Retention periods

The Westbank Practice

www.westbankpractice.com

In accordance with the NHS Codes of Practice for Records Management, your healthcare records will be retained for 10 years after death, or if a patient emigrates, for 10 years after the date of emigration.

What to do if you have any questions

Should you have any questions about our privacy policy or the information we hold about you, you can:

1. Contact the practice's data controller via email at westbank.practice@nhs.net. GP practices are data controllers for the data they hold about their patients¹
2. Write to the data controller at Westbank Practice, Starcross Surgery, Starcross, EX6 8PZ
3. Ask to speak to the practice manager Claire Conway Wright, or the operations manager Luke Barnes

The Data Protection Officer (DPO) for Westbank Practice is Bex Lovewell and she is based at Devon CCG.

Complaints

In the unlikely event that you are unhappy with any element of our data-processing methods, you have the right to lodge a complaint with the ICO. For further details, visit ico.org.uk and select 'Raising a concern'.

OUR WEBSITE

The only website this Privacy Notice applies to is the Surgery's website. If you use a link to any other website from the Surgery's website then you will need to read their respective privacy notice. We take no responsibility (legal or otherwise) for the content of other websites.

Changes to our privacy policy

We regularly review our privacy policy and any updates will be published on our website, in our newsletter and on posters to reflect the changes. This policy is to be reviewed 16/10/2020

¹ [BMA GPs as data controllers under the GDPR](#)