



## Privacy Notice – Online and Video Consultation Directions 2021

### Plain English explanation

The use of online and video consultations is part of the NHS Long Term Plan and an increase in the use was vital to General Practices' response to COVID-19. This implementation minimised footfall in practices and reduced risk of infection.

NHS England has directed NHS Digital to collect information about online and video consultations undertaken by General Practices. This collection will provide important information to General Practices, local commissioners and national NHS organisations on how these systems are used, what impact they have on General Practices and to gather information about the demand from patients.

Data collected will not involve patient identifiable data like name, date of birth or NHS number. The collection will contain following information:

- information relating to person: age, gender, ethnicity, language, special conditions limiting accessibility
- information relating to contact: type of consultation, date and time of contact, consultation outcome.

The collection is done on a weekly basis collecting information from 01Jan 2022.

More information can be found at [Online and Video Consultation Directions 2021 - NHS Digital](#)

We are required by Articles in the UK GDPR to provide you with the information in the following 9 subsections:

<b>1) Data Controller</b> contact details	Eleanor Cross Healthcare Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF
<b>2) Data Protection</b>	Hayley Gidman Midlands and Lancashire CSU

<b>Officer contact details</b>	FAO: Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF
<b>3) Purpose of the processing</b>	The purpose of processing is to provide important information to General Practices, local commissioners and national NHS organisations on how online and video consultations are used , what impact they have of General Practices and to father information about the demand from patients.
<b>4) Lawful basis for processing</b>	<p>The processing of personal data is supported under the following Article 6 and 9 conditions of the UK GDPR:</p> <p><i>Article 6(1)(c) 'processing is necessary for compliance with a legal obligation to which the controller is subject'.</i></p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i></p> <p><i>Article 9(2)(g) 'processing is necessary to reasons of substantial public interest, on the basis of ... law'.</i></p> <p><i>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...''.</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*.</p>
<b>5) Recipient or categories of recipients of the processed data</b>	The data will be shared in order to provide this service with NHS Digital.
<b>6) Right to object</b>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice.</p> <p>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.</p> <p>The National Data Opt-Out will not apply to the data for this service.</p>
<b>7) Right to access and correct</b>	<p>You have the right to access the data that is being shared and have any inaccuracies corrected.</p> <p>There is no right to have accurate medical records deleted except when</p>

	ordered by a court of Law.
<b>8) Retention period</b>	The data will be retained in line with the law and national guidance. Further information 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.
<b>9) Right to complain</b>	You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call their helpline 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 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 circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.