



Plain English explanation

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) became law on 25 May 2018. The GDPR is a single European Union wide regulation on the protection of confidential and sensitive information and the DPA implements the regulation into comprehensive UK legislation. All references to GDPR in this and subsequent documents will be referred to as UK GDPR.

According to DPA every organisation has to issue a Privacy Notice, which describes how the personal data is collected, used and processed, legal grounds for such processing and your rights in relation to the data processing.

What information is processed?

Eleanor Cross Healthcare keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and outside of the NHS as well as comments and aide memoires 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.

Why we need your information?

The healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received previously. These records help to provide you with the best possible healthcare and treatment. For further information please see our Practice Privacy Notices.

Information held about you may be used to help protect the health of the public

and manage the NHS and the services we provide.

Limited information may be used within the practice for clinical audits to monitor the quality of the service we provide.

How information is kept?

NHS health records may be electronic, paper-based or a mixture of both. At Eleanor Cross Healthcare we use a mixture of both.

The Practice uses clinical system provided by a Data Processor called TPP SystemOne. This system provides clinicians and health professionals with single Electronic Health Records available at the point of care. The data will remain in the UK at all times. TPP SystemOne allows patient data to be shared securely across services, such as GP practices, hospitals, social care and mental health.

How the confidentiality of the records is maintained?

Eleanor Cross Healthcare is committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018 (DPA)
- The UK General Data Protection Regulations (UK GDPR)
- 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 and NHS organisation has a legal obligation to keep information about you confidential.

The practice will only pass on information about you if others involved in your care have a genuine need for it.

Eleanor Cross Healthcare will not disclose your information to any third party without your permission unless there are exceptional circumstances, where the law requires the information to be disclosed, for example:

- where there is a serious risk of harm or abuse to you or other people
- where a serious crime is being investigated or where it could be prevented
- notification of new births
- where infectious diseases that may endanger the safety of other are encountered
- where a formal court order has been issued

- where there is a legal requirement.

What is the lawful basis for data processing?

Eleanor Cross Healthcare needs your personal, sensitive and confidential data in order to provide you with healthcare services as a General Practice. The practice lawfully uses your information in accordance with data protection laws. More information can be found in below table in part 4.

How long your information is stored?

Under UK law Eleanor Cross Healthcare is required to keep your information and data for the retention period specified by the NHS Records Management Code of Practice for Health and Social Care 2020 and National Archives requirements. More information can be found at <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>.

How the information is destroyed?

Where the data has been identified for disposal, Eleanor Cross Healthcare has following responsibilities to:

- ensure that information held in manual form is destroyed using a cross-cut shredder or contracted to a reputable confidential waste company that complies with European Standard EN15713 and obtain certificates of destruction
- ensure that electronic storage media used to store or process information are destroyed or overwritten to national standards.

What are your rights?

As an individual you have the following rights over your personal information:

- **Right to be informed** on how we handle, process and share your personal information. Eleanor Cross Healthcare Privacy Notices ensure as a practice we satisfy this right.
- **Right to access your personal information.** You can request access to and/or copies of the personal data we hold about you by contacting the practice. More information can be found in below table in part 7.
- **Right to rectification.** You can request to rectify any incorrect, out of date or incomplete data by contacting the practice. More information can be found in below table in part 7.
- **Right to erasure.** This right is not absolute and only applies in certain circumstances, for example, when your personal data is no longer necessary for the purpose which it was originally collected or processed for; if you wish to withdraw your consent after you have previously given your consent.
- **Right to restrict processing.** This means you can limit the way that the practice

processes your data. This is an alternative to requesting the erasure of your data.

- **Right to data portability.** This right gives individuals the right to receive personal data they have provided in a structured, commonly used and machine-readable format, for example, email.
- **Right to object to processing.** This right means you have the right to object to some or all the information being processed. More information can be found in below table in part 6.
- **Rights in relation to automated decision making and profiling.** Automated decision making is a decision made by automated means (i.e., a computer system) without any human involvement. If any of the processes we use rely on automated decision making, you do have the right to ask for a human to review any computer-generated decision at any point.

Changes to Practice Privacy Notices

It is important to point out that Eleanor Cross Healthcare may amend Practice Privacy Notices from time to time upon the review.

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

<p>1) Data Controller contact details</p>	<p>Eleanor Cross Healthcare Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF</p>
<p>2) Data Protection Officer contact details</p>	<p>Hayley Gidman Midlands and Lancashire CSU FAO: Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF</p>
<p>3) Purpose of the processing</p>	<p>The healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received previously. These records help to provide you with the best possible healthcare and treatment.</p> <p>Information held about you may be used to help protect the health of the public and manage the NHS and the services we provide.</p> <p>Limited information may be used within the practice for clinical audits to monitor the quality of the service we provide.</p>

<p>4) Lawful basis for processing</p>	<p>We lawfully use your information in accordance with DPA and UK GDPR. These are some of the articles which allow us to use your personal information lawfully:</p> <p><i>Article 6(1)(a) 'the data subject has given consent to the processing of his or her personal data for one or more specific purposes'.</i></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) 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'.</i></p> <p><i>Article 9(2)(b) 'processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law'.</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) 'processing is necessary for the purposes of preventive 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'.</i></p> <p><i>Article 9(2)(i) 'processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices'.</i></p> <p>Further information can be found in other Practice Privacy Notices.</p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*.</p>
<p>5) Recipient or categories of recipients of the processed data</p>	<p>For provision of healthcare the data will be shared with other NHS bodies such as other GP practices and hospitals; also private healthcare providers upon the directions from you.</p> <p>Your data might be shared with NHS Digital and other organisations in order to help protect health of the public and manage the NHS.</p> <p>As a practice we use third-party service providers to process data on your behalf. This is always supported by an appropriate agreement in place to ensure that third party keeps the data secure and do not use or share information other than in accordance with our instructions. For example, companies which provide IT services and support; systems which manage</p>

	<p>patient facing services like websites and SMS communication; systems which facilitate appointment bookings or electronic prescription services.</p> <p>Upon your explicit consent information about you can be shared with other persons or organisation.</p> <p>Further information can be found in other Practice Privacy Notices.</p>
6) Right to object	<p>You have the right to object to some or all the information being processed under Article 21. Please contact 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>If you do not want your identifiable patient data to be shared for purposes except for your own care, you can opt out by registering a Type 1 Opt-out or a National Data Opt-out or both. More information can be found on our Website or https://www.nhs.uk/your-nhs-data-matters/.</p>
7) Right to access and correct	<p>You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.</p> <p>You can request access and/or copies of the personal data we hold about you. This is free of charge (subject to exemptions) and will be complied within one calendar month. Such requests can be made verbally or in writing (this is our preferred method) directly to the practice. We do request that you provide us with adequate information to process your request.</p> <p>During processing the request there may be occasions when information may be withheld, for example:</p> <ul style="list-style-type: none"> - the release of information might cause serious harm or distress - information is relating to a third party, who do not want their information disclosed to you. This does not apply to any person who was acting in their professional capacity in caring for you. <p>For information from other NHS bodies, such as hospitals, you should write to them.</p>
8) Retention period	<p>The data will be retained in line with the law and national guidance. Further information 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>
9) Right to complain	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/ or call their helpline tel: 0303 123 1113 (local rate) or 01625 545 745 (national</p>

	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.