



GP Healthcare Alliance Limited

Policy Number: IG27

PRIVACY POLICY



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DOCUMENT CONTROL

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PRIVACY POLICY & PRIVACY NOTICE

Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how your GP will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

Data Controller

Your registered GP practice is the data controller for any personal data that is held about you.

Data Protection Officer

The Company Data Protection Officer is BLS Stay Compliant Ltd.

Any queries about Data Protection issues should be addressed to either clareline@nhs.net or julia.lovett@nhs.net.

What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care.

When you register with a GP Practice, they must collect basic 'personal data' about you. This includes your name, address, contact details such as email and mobile. They may also

ask you for health information, ethnicity, sex, and religious beliefs. This type of information is called 'Special data'.

Your Practice is required to do this to ensure your healthcare information is linked between other healthcare providers.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin and [*NHS number/HCN number/ CHI number*];
And
- 'Special category / sensitive data' such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Third party processors

When we use a third-party service provider to process data on our behalf, we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately.

An example of functions that may be carried out by third parties includes:

- Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
- The systems that are contracted to maintain and store on our behalf are: SystmOne and systems developed for the purpose of diagnostics and monitoring arrangements.

The safety and availability of your data is our utmost concern, and we are confident that this approach will improve data security, integrity, and performance.

Why do we collect this information?

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GPs to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services.

We also may use or share your information for the following purposes:

- Looking after the health of the public
- Making sure that our services can meet patient needs in the future
- Preparing statistics on NHS performance and activity (where steps will be taken to ensure you cannot be identified)
- Investigating concerns, complaints, or legal claims
- Helping staff to review the care they provide to make sure it is of the highest standards
- Training and educating clinical staff
- Research approved by the Local Research Ethics Committee. You will always be asked to provide consent to take part in research
- The Practice may conduct reviews of medications prescribed to its patients. This is a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost-effective treatments.

The health care professionals who provide you with care must maintain records about your health and any treatment or care you have received previously. This maybe at another GP Surgery or at a hospital. These records help to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both. We use several ways of working and with computerised systems this helps to ensure that your information is kept

confidential and secure.

How is the information collected?

Your information will be collected either electronically using secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. In addition, physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

Who will we share your information with?

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services
- Local NHS Trusts/Hospitals/Health boards]
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations commissioned to provide services by [*local ICB/Health Board*]
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- NHS England (NHSE) and NHS Digital (NHSD)
- Local Authorities
- Education Services
- Fire and Rescue Services

- Police & Judicial Services
- Other 'data processors' of which you will be informed

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

[In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve "out of hospital care".]

At GPHA we operate a shared care service to support the treatment of ADHD. Please be aware that if you are eligible for this service, for clinically safe treatment, your medical record will be shared with your GP practice and any other party involved in your care for ADHD.

If you are receiving a private service from GPHA, for appointment booking purposes your data is shared with Fresha, a third-party online appointment booking platform.

If you attend an Extended Hours appointment with one of our GPHA clinicians, your medical record will be shared with your GP practice.

If you attend a GPHA COVID clinic appointment, your medical record will be shared with your GP practice.

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

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, or where the law requires information to be passed on, for example:

- We believe you are putting yourself at risk of serious harm
- We believe you are putting a third party (adult or child) at risk of serious harm
- We have been instructed to do so via court order made against the practice
- Your information is essential for the investigation of a serious crime
- You are subject to the Mental Health Act (1983)
- Public Health England needs to be notified of certain infectious diseases
- Regulators use their legal powers to request your information as part of an investigation

Our policy is to respect the privacy of our patients, their families, and our staff and to maintain compliance with the General Data Protection Regulations (GDPR) and all UK specific Data Protection Requirements. Our policy is to ensure all personal data related to our patients will be protected.

All employees and sub-contractors who work with our company are asked to sign a confidentiality agreement. The company will, if required, sign a separate confidentiality agreement if necessary.

Health Risk Screening / Risk Stratification

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, [NHS number/HCN number/ CHI number], diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

[Your GP will use computer-based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third-party accredited Risk Stratification provider. The risk stratification contracts are arranged by [your local ICB/Health Board] in accordance with the current Section 251 Agreement. Neither the CSU nor your

[local ICB will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.]

Your GP will routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

[A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.]

As mentioned above, you have the right to object to your information being used in this way. However, you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Company Secretary to discuss how disclosure of your personal data can be limited.

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems (such as SystmOne, EMIS and Eclipse) enables your record to be shared with organisations involved in your direct care, such as:

- GP practices
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services.
- Child health services that undertake routine treatment or health screening
- Urgent care organisations, minor injury units or out of hours services
- Community hospitals
- Palliative care hospitals
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies

In addition, [NHS England/Scotland/Wales] have implemented the [Summary Care Record/ Emergency Care Summary/ Individual Health Record] which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are

understandably not able to provide a full account of their care or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Prospective access to patient records online

In Summer 2022, patients with online access to their medical records will be able to have access to their future full medical records, including free texts, letters, and documents once they have been reviewed and filed by the GP. This will not affect proxy access.

There will be limited legitimate reasons why access to prospective medical records will not be given or will be reduced and they are based on safeguarding. If the release of information is likely to cause serious harm to the physical or mental health of the patient or another individual, the GP is allowed to refuse or reduce access to prospective records; third party information may also not be disclosed if deemed necessary. On occasion, it may be necessary for a patient to be reviewed before access is granted, if access can be given without a risk of serious harm.

Invoice Validation

[If you have received treatment within the NHS, the local Commissioning Support Unit (CSU) may require access to your personal information to determine which Clinical Commissioning Group is responsible for payment for the treatment or procedures you have received. Information such as your name, address, date of treatment and associated treatment code may be passed onto the CSU to enable them to process the bill. These details are held in a secure environment and kept confidential. This information is only used to validate invoices in accordance with the current Section 251 Agreement and will not be shared for any further commissioning purposes.]

Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”.

You also have the right to have it amended. should it be inaccurate. This is called “**Right to rectification**”. In certain situations, you have the right to request us to rectify your personal

data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply.

To request access to your information, you need to do the following:

- Your request should be made to the GP Practice
- For information from the hospital, you should write directly to them
- We are required to respond to you within 30 days
- You will need to give adequate information (for example full name, address, date of birth, NHS number) and details of your request
- We will also ask you to provide additional information before we release information to you

If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care.

You should however be aware that some details within your health records may be exempt from disclosure, however this will in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record, please submit your request in writing to:

Company Secretary, *GPHA HQ, Mulberry Studios, Mulberry Road, Canvey Island, SS8 0PR*

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Electronic patient records are kept in most places where you receive healthcare. Our electronic system, (SystmOne) enables your record to be shared with organisations involved in your direct care, such as:

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You should however be aware that some details within your health records may be exempt from disclosure, however this will be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP record, please submit your request in writing to your own registered GP Practice.

If your personal information changes

It is important that you tell the person treating you 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 for this to be amended.

You have a responsibility to inform us as soon as possible of any changes so our records are accurate and up to date for you.

How long will we store your information?

The **NHS Records Management Code of Practice 2021*** identifies specific retention periods which are listed in *Appendix II: Retention Schedule*.

Please see <https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice-2021/> for a copy of the 2021 NHS retention period policy.

(*this will replace the 2016 version of the NHS Code of Practice mentioned above).

Consent and Objections

Do I need to give my consent?

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However, consent is only one potential lawful basis for processing information. Therefore, your GP may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

What will happen if I withhold my consent or raise an objection?

You have the right to write to withdraw your consent to any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP for further information and to raise your objection.

National Data opt out

Health and care organisations now have until July 2022 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care.

Our organisation is compliant with the national data opt-out policy.

To find out more or to register your choice to *opt out*, please visit www.nhs.uk/your-nhs-data-matters or telephone 0300 3035678. On the webpage you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt out by phone

Complaints

In the event that you feel GPHA has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance **in writing** to the Company Secretary:

Company Secretary, GPHA HQ, Mulberry Studios, Mulberry Road, Canvey Island, SS8 0PR

Or by email to Julia.lovett@nhs.net or Clareline@nhs.net

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at www.ico.gov.uk

Changes

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please make contact by email to Julia.lovett@nhs.net or clareline@nhs.net.