As a registered patient, AberGP has a legal duty to explain how we use any personal information we collect about you at the practice. We collect records about your health and the treatment you receive in both electronic and paper format.

Why do we have to provide this privacy notice?

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer, Mrs Fiona Gill.

The main things the law says we must tell you about what we do with your personal data are:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold about you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

What is a privacy notice?

A privacy notice (or 'fair processing notice') explains the information we collect about our patients and how it is used. Being open and providing clear information to patients about how a practice uses their personal data is an essential requirement of the new UK General Data Protection Regulations (UK GDPR).

Under the UK GDPR, we must process personal data in a fair and lawful manner. This applies to everything that is done with a patient's personal information. This means that the practice must:

- Have lawful and appropriate reasons for the use or collection of personal data
- Not use the data in a way that may cause harm to the individuals (e.g., improper sharing of their information with third parties)
- Be open about how the data will be used and provide appropriate privacy notices when collecting personal data
- Handle personal data in line with the appropriate legislation and guidance
- Not use the collected data inappropriately or unlawfully

What is fair processing?

Personal data must be processed in a fair manner – the UK GDPR says that information should be treated as being obtained fairly if it is provided by a person who is legally authorised or required to provide it. Fair processing means that the practice has to be clear and open with people about how their information is used.

This practice manages patient information in accordance with existing laws and with guidance from organisations that govern the provision of healthcare in Scotland and throughout the UK such as the Scottish Government and the General Medical Council (GMC).

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018
- Human Rights Act 1998
- Patient Rights (Scotland) Act 2011
- Protecting Patients Confidentiality: The Common Law Duty of Confidentiality in practice
- Scottish Government strategy for data-driven care

This means ensuring that your personal confidential data is handled clearly and transparently and in a reasonably expected way.

The healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received. These records help to provide you with the best possible healthcare.

Health records may be processed electronically, on paper or a mixture of both and we use a combination of working practices and technology to ensure that your information is kept confidential and secure.

Who is the data controller?

This practice is registered as a data controller under the Data Protection Act 2018. Our registration number is ZB808444 and our registration can be viewed online in the public register at www.ico.gov.uk. This means we are responsible for handling your personal and healthcare information and collecting and storing it appropriately when you are seen by us as a patient.

We may also process your information for a particular purpose and therefore we may also be data processors. The purposes for which we use your information are set out in this privacy notice.

What type of information do we collect about you?

Information held by this practice may include the following:
- Your contact details (such as your name, address and email address)
- Details and contact numbers of your next of kin
- Your age range, gender, ethnicity
- Details in relation to your medical history
- The reason for your visit to the practice
- Any contact the practice and/or your practice has had with you including appointments (emergency or scheduled), clinic visits, etc.
- Notes and reports about your health, details of diagnosis and consultations with our GPs and other health professionals within the healthcare environment involved in your direct healthcare
- Details about the treatment and care received
- Results of investigations such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you
- Recordings of telephone conversations between yourself and the practice

Sharing information collected about you with others

We collect and hold data for the purpose of providing healthcare services to our patients and we will ensure that the information is kept confidential. However, we can disclose personal information if:
- It is required by law
- You provide your consent – either implicitly for the sake of your own care or explicitly for other purposes
- It is justified to be in the public interest

To ensure you receive the best possible care, your records are used to enable the care you receive. Information held about you may be used to help protect the health of the public.

Information may be used for clinical audit purposes to monitor the quality of services provided, may be held centrally and may be used for statistical purposes. Where we do this, we ensure that patient records cannot be identified. Sometimes your information may be requested to be used for clinical research purposes – the practice will always endeavour to gain your consent before releasing the information.

Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care. You can choose to withdraw your consent to your data being used in this way. When the practice is about to participate in any new data-sharing scheme, we will make patients aware by displaying prominent notices and on our website at least four weeks before the scheme is due to start. We will also explain clearly what you have to do to 'opt-out' of each new scheme.

A patient can object to their personal information being shared with other healthcare providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

What is special category data?

The law states that personal information about your health falls into a special category of information because it is extremely 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 practices to ensure you receive advice and/or treatment
Consent	When you have given us consent
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 legal justification for collecting and using your information

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

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 a practice

How do we 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.

Additionally, we may have to contribute to national clinical audits and will send the data that is required by NHS Scotland as 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.

Under the UK General Data Protection Regulation, we will be lawfully using your information in accordance with:

- *Article 6, (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*

- *Article 9, (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*

Who can we provide your personal information to and why?

Whenever you use a health or care service, such as attending the local hospital or using the district nursing service, clinical 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 do so, to help with planning services, improving care, researching new treatments and preventing illness. All of this helps in providing better care to you, 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 as 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 they 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 to ensure they can deliver their services to you:

- Hospital professionals (such as doctors, consultants, nurses etc.)
- Other GPs/doctors
- NHS Boards
- Health and Social Care Partnerships
- Independent contractors such as dentists, opticians, pharmacists
- Any other person who is involved in providing services related to your general healthcare including mental health professionals
- Private sector providers including pharmaceutical companies to allow for the provision of medical equipment, dressings, hosiery etc.
- Voluntary sector providers
- The Scottish Ambulance Service
- Local authorities
- Social care services
- Education services
- Other 'data processors', e.g., Diabetes UK

You will be informed who your data will be shared with and in some cases asked for explicit consent for this to happen when this is required.

Who may we provide your information to:

- For the purposes of complying with the law, e.g., the police or court order
- Anyone you have given your consent to, to view or receive your record, or part of your record. If you give another person or practice 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
- Computer systems – we operate a clinical computer system on which staff record information securely. This information can then be shared with other clinicians so that everyone caring for you is fully informed about your medical history including allergies and medication. We will make information available to our partner organisations (above) unless you have declined data sharing to ensure you receive appropriate and safe care. Wherever possible, staff will ask your consent before your information is viewed.

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 a right under the Data Protection legislation to request access to view or to obtain copies of what information the practice holds about you and to have it amended should it be inaccurate. To request this, you need to do the following: o Your request should be made to the Practice Manager, AberGP, 45 Queens Road, Aberdeen o For information from a hospital or other NHS practice you should write directly to them o There is no charge to have a copy of the information held about you. However, we may, in some limited and exceptional circumstances, make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive o We are required to provide you with information within one month. 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 o You will need to give adequate information (for example full name, address, date of birth, NHS or CHI number and details of your request) so that your identity can be verified, and your records located
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 especially important that you make sure you tell us if your contact details including your mobile phone number have 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.
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 practice but we will require your clear consent to be able to do this.

How long do we keep your personal information?

We are required under UK law to keep your information and data for the full retention periods as specified by the Scottish Government Records Management Code of Practice for Health and Social Care (Scotland) 2020 for health and social care and national archives requirements.

Where do we store your information electronically?

All the personal data we process is processed by our staff in the UK. However, for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No third parties have access to your personal data unless the law allows them to do so and appropriate safeguards have been put in place such as a data processor as above. We have data protection processes in place to oversee the effective and secure processing of your personal and/or special category data.

This practice uses a clinical system provided by a data processor called Halux with servers in a secure cloud-based systems. Data will remain in the UK and will be fully encrypted both in transit and at rest. The hosted service provider will not have any access to the decryption keys.

Maintaining your confidentiality and accessing your records

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the UK General Data Protection Regulations (which is overseen by the Information Commissioner's Office), Human Rights Act, the Patient Rights (Scotland) Act, the Common Law Duty of Confidentiality and the NHS Codes of Confidentiality and Security. Every staff member who works for AberGP has a legal obligation to maintain the confidentiality of patient information.

All our staff, contractors and locums receive appropriate and regular training to ensure they are aware of their personal responsibilities and have legal and contractual obligations to uphold confidentiality, enforceable through disciplinary procedures. Only a limited number of authorised staff have access to personal information where it is appropriate to their role, and this is strictly on a need-to-know basis. If a sub-contractor acts as a data processor for the practice, an appropriate contract (Article 24-28) will be established for the processing of your information.

We maintain our duty of confidentiality to you at all times. 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 (i.e., life or death situations) or where the law requires information to be passed on and/or in accordance with the information sharing principles declared following the Scottish Governments response to Dame Fiona Caldicott's information sharing review (Information to share or not to share) where "The duty to share information can be as important as the duty to protect patient confidentiality."

This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles.

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

In certain circumstances you may have the right to withdraw your consent to the processing of data. Please contact the practice in writing if you wish to withdraw your consent. In some circumstances we may need to store your data after your consent has been withdrawn to comply with a legislative requirement.

Sharing your information without consent

We will normally ask you for your consent but there are times when we may be required by law to share your information without your consent, for example:

- Where there is a serious risk of harm or abuse to you or other people
- Safeguarding matters and investigations
- Where a serious crime, such as assault, is being investigated or where it could be prevented
- Notification of new births
- Where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS)
- Where a formal court order has been issued
- Where there is a legal requirement, for example if you had committed a road traffic offence.

Third party processors

To enable us to deliver the best possible services, we will share data (where required) with other NHS bodies such as hospitals. In addition, the practice will use carefully selected third party service providers. When we use a third-party service provider to process data on our behalf then 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.

Examples of functions that may be carried out by third parties include:

- Companies that provide IT services and support, including our core clinical systems, systems that manage patient facing services (such as our website and service accessible through the same), data hosting service providers, systems that facilitate appointment bookings or electronic prescription services and document management services etc.
- Further details regarding specific third-party processors can be supplied by making a written request to the data protection officer as below.

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 ensure we also protect that third party's rights as an individual and that references to them that 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.

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.

Audit

Auditing of clinical notes is done by this practice as part of its commitment to the effective management of healthcare whilst acting as a data processor.
Article 9(2)(h) is applicable to the management of healthcare services and "permits processing necessary for the purposes of medical diagnosis, provision of healthcare and treatment, provision of social care and the management of healthcare systems or services or social care systems or services.'" No consent is required to audit clinical notes for this purpose.

Furthermore, compliance with Article 9(2)(h) requires that certain safeguards are met. The processing must be undertaken by or under the responsibility of a professional subject to the obligation of professional secrecy or by another person who is subject to an obligation of secrecy.

Auditing clinical management is no different to a multi-disciplinary team meeting discussion whereby management is reviewed and agreed. It would be realistically impossible to require consent for every patient reviewed that is unnecessary.

Computer System

This practice operates a clinical computer system on which staff record information securely. This information can then be shared with other clinicians so that everyone caring for you is fully informed about your medical history including allergies and medication.

To provide around the clock safe care, unless you have asked us not to, we will make information available to our partner organisations. Wherever possible, their staff will ask your consent before your information is viewed.

Patient communication

As we are obliged to protect any confidential information we hold about you, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone should we need to notify you about appointments and other services that we provide to you involving your direct care. This is to ensure we are sure we are contacting you and not another person. As this is operated on an 'opt-out' basis we will assume that you have given us permission to contact you via SMS if you have provided your mobile telephone number.

Please let the practice know if you wish to opt-out of this service. We may also contact you using the email address you have provided to us.

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 this 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.

Safeguarding

The practice is dedicated to ensuring that the principles and duties of safeguarding adults and children are consistently and conscientiously applied with the wellbeing of all at the heart of what we do.

Our legal basis for processing for UK General Data Protection Regulation (UK GDPR) purposes is:

- *Article 6(1)(e) '…exercise of official authority…'.*

For the processing of special categories data, the basis is:

- *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…'*

Safeguarding information such as referrals to safeguarding teams is retained by this practice when handling a safeguarding concern or incident. We may share information accordingly to ensure a duty of care and investigation as required with other partners such as local authorities, the police or healthcare professionals (i.e., the mental health team).

Shared care

To support your care and improve the sharing of relevant information to our partner practices (as above) when they are involved in looking after you, we will share information to other systems. You can opt-out of this sharing of your records with our partners at any time if this sharing is based on your consent.

Emergency Care Summaries and Key Information Summaries

Regardless of your past decisions about your ECS preferences, you will still have the same options that you currently have in place to opt-out of having an ECS, including the opportunity to opt back in to having an ECS or to opt back in to allow the sharing of additional information through a Key Information Summary (KIS).

You can exercise these choices by doing the following:

- Choosing to have an ECS with core information shared. This means that any authorised, registered and regulated health and care professionals will be able to see limited information about diagnoses, allergies and medications in your ECS if they need to provide you with direct care.

- Choosing to have a KIS with all information shared. This means that any authorised, registered and regulated health and care professionals will be able to see a KIS, including core and additional information if they need to provide you with direct care.

- Choosing to opt-out of sharing information through these summaries altogether. This means that you do not want any information shared with other authorised, registered and regulated health and care professionals involved in your direct care. You will not be able to change this preference at the time if you require direct care away from your GP practice. This means that no authorised, registered and regulated health and care professionals will be able to see information held in your GP records if they need to provide you with direct care, including in an emergency.

To make these changes, you should inform your GP practice either in writing or in person. You do not need to do anything if you are happy about how your confidential patient information is used.

Telephone system

Our telephone system does not currently record telephone calls. If this was implemented in the future recordings would be retained for up to three years and used periodically for the purposes of seeking clarification where there is a dispute as to what was said and for staff training. Access to these recordings would be restricted to senior staff.

Practice website

Our website uses cookies to optimise your experience. Using this feature means that you have agreed to the use of cookies as required by the EU Data Protection Directive 95/46/EC. You have the option to decline the use of cookies on your first visit to the website. The only website this privacy notice applies to is this practice's website.

If you use a link to any other website from the practice'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.

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 via email at gp@abergp.co.uk. GP practices are data controllers for the data they hold about their patients (for more information, refer to the BMA guidance on this subject)

2. Write to the practice Data Protection Officer (DPO)

3. Ask to speak to the Practice Manager

Objections or complaints

If you are unhappy with any element of our data processing methods, contact the Practice Manager in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

The ICO can be contacted at ico.org.uk and selecting "Making a complaint" or telephone: 0303 123 1113.

The ICO is the regulator for data protection and offers independent advice and guidance on the law and personal data including your rights and how to access your personal information.

Changes to our privacy policy

We regularly review our privacy policy, and any updates will be published on our website, and on posters to reflect the changes.

Annex A – Children's Privacy Notice

AberGP 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 IS A PRIVACY NOTICE AND WHY DOES IT APPLY TO ME?

A privacy notice tells people how practices use information that they hold about them. The law that supports privacy is the Data Protection Act 2018 and this includes the UK General Data Protection Regulation, also known as UK GDPR. The UK GDPR details what needs to be provided within the privacy notice, this is:

- What information we hold about you
- How we keep this especially important information safe and secure and where we keep it
- How we use your information
- Who we share your information with
- What your rights are
- When the law gives us permission to use your information

WHY DOES THE LAW SAY YOU CAN USE MY INFORMATION?

The law gives us permission to use your information in situations when we need it to take care of you. Because information about your health is very personal, sensitive and private to you, the law is very strict about how we use it.

So, before we can use your information in the ways we have set out in this privacy notice, we have to have a good reason in law which is called a 'lawful basis'. Not only do we have to do that, but we also have to show that your information falls into a special group or category because it is very sensitive. By doing this, the law makes sure we only use your information to look after you and that we do not use it for any other reason.

If you would like more information about this, please ask to speak to our Data Protection Officer (DPO) mentioned in this privacy notice who will explain this in more detail.

ABOUT US

This practice is responsible for collecting, storing and handling your information when you are registered with us as a patient. Because we do this, the law says we are the data controller. Sometimes we may use your information for a particular purpose and, when we do so, the law says we are the data processor.

WHAT INFORMATION DO WE HOLD ABOUT YOU?

Personal information is anything that identifies you as a person and we all have personal information. Personal information that tells us something about you includes:

- Your name
- Address
- Mobile number
- Information about your parent(s) or person with parental responsibility
- All your health records
- Appointment records
- Treatments you have had
- Medicines prescribed for you and any other information to help us look after you

HOW DO WE KEEP IT SAFE?

The law says that we must do all we can to keep your information private, safe and secure.

We use secure computer systems, and we make sure that any written information held about you is kept securely. We also train our staff to respect your privacy and deal with your information in a manner that makes sure it is always kept and dealt with in a safe way.

WHAT DO WE DO WITH YOUR INFORMATION?

We only usually use your information to help us to care for you. That means we might need to share your information with other people who are concerned and involved with looking after your health.

We might need to share your information with the police, courts, social services, solicitors and other people who have a right to your information, but we always make sure that they have a legal right to see it (or have a copy of it) before we provide it to them.

WHO ELSE WILL SEE MY INFORMATION?

- Usually, only staff at this practice are allowed to see your information. Should you need to go to the hospital then we may be asked to share your information with them, but this is only so that we can take care of you.

- Sometimes we might be asked to take part in medical research that could help you in the future. We will always ask you or your parent(s) or an adult with parental responsibility if we can share your information if this happens.

- Possibly the police, social services, the courts or other practices and people who may have a legal right to see your information

WHAT IF I WANT TO SEE MY INFORMATION YOU HOLD ABOUT ME?

If you want to see what information we hold about you then you have a right to see it and you can ask for a copy of it.

To ask to see your information you will need to make a Subject Access Request (SAR). There are some rules on this but if you are over 12 you are presumed to be competent to do this yourself. We will give this to you free of charge. If you are under 12, your parents or adults with parental responsibility can do this on your behalf if you agree.

Speak to any member of staff if you are unsure about what this means, and they will be happy to help.

If you think there are any errors in the information we hold about you, then you can ask us to correct it, but the law says we cannot remove any of the information we hold about you even if you ask us to. This is because we need this information to take care of you.

You also have a right to ask us not to share your information. Should you wish to talk to us about not sharing your information, even if this means you do not want us to share your information with your parent(s) or an adult with parental responsibility, please let us know. Again, we will be happy to help.

WHAT IF I HAVE A QUESTION?

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

- Contact the practice via email at gp@abergp.co.uk. GP practices are data controllers for the data they hold about their patients
- Write to the Data Protection Officer (DPO) at this practice
- Ask to speak to the Practice Manager

WHAT IF I HAVE A COMPLAINT ABOUT HOW YOU LOOK AFTER MY INFORMATION?

If you are unhappy with any element of our data processing methods, contact the Practice Manager n the first instance, or some other member of staff whom you know and trust such as a doctor or nurse. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

The ICO can be contacted on ico.org.uk and selecting "Make a complaint" or telephone: 0303 123 1113.

The ICO is the regulator for data protection and offers independent advice and guidance on the law and personal data including your rights and how to access your personal information.

This privacy notice was last updated on 11th October 2024 and will be reviewed on 11th October 2026