

Bentham Medical Practice - Privacy Notice

1) Data Controller

Under the regulations the data controller for your personal data is:

Bentham Medical Practice
Grasmere drive
High Bentham Lancaster
LA2 7JP
015242 61202

2) Data Protection Officer

Under the regulations the data protection officer for Bentham Medical Practice is:

Emma Spence
Practice Manager
Bentham Medical Practice
High Bentham
Lancaster
LA2 7JP

3) Purpose of processing your data

The purpose of processing your data is for the provision of direct health care

4) 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.

5) How we use your personal information

This Privacy Notice explains why the GP practice collects information about you and how that information may be used.

Health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records are used to help to provide you with the best possible healthcare.

NHS health care records may be electronic, 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. Records this GP Practice hold about you may include the following information;

- Details about you, such as your name, address, carers, legal representatives and emergency contact details
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided.

The general principal is that people who have access to your record will normally only have access to the parts of it which they need to see to fulfil their roles.

You have the right to object to our sharing your data but we have an overriding responsibility to do what is in your best interest.

Some of this information will be held centrally and used for statistical purposes.

Where we do this, we take strict measures to ensure that individual patients cannot be identified.

Sometimes your information may be requested to be used for research purposes – the surgery will always gain your consent before releasing the information for this purpose.

6) Risk Stratification

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing unplanned or readmission to hospital and identifying a need for preventive intervention.

Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software and is only provided back to your GP as data controller in an unidentifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services.

Please note that you have the right to opt out of your data being used in this way.

7) How do we maintain the confidentiality of your records?

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
- Common Law Duty of Confidentiality
- Health and Care Act 2022
- NHS Codes of Confidentiality, Information Security and Records Management
- Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

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), where the law requires information to be passed on and / or in accordance with the new information sharing principle following 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. They should be supported by the policies of their employers, regulators and professional bodies.

8) Access to personal information

You have a right under The DPA 2018, to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request must be made in writing to the GP – for information from the hospital you should write direct to them
- Usually there will be no charge to you for provide a copy of your medical record unless the amount of work involved is unduly excessive or repetitive
- 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) so that your identity can be verified and your records located
- You can ask for the information in either paper or electronic format
- You can sign up to view your full medical record online. Ask for details.

9) NHS Open SAFELY Data Analytics service

NHS England has been directed by the government to establish and operate the OpenSAFELY COVID-19 and OpenSAFELY Data Analytics Service. These services provide a secure environment that supports research, clinical audit, service evaluation and health surveillance for COVID-19 and other purposes.

We may use trusted organisations to provide services for the practice to process patient information on our behalf. This includes Morecambe Bay Primary Care Collaborative (MBPCC), our local GP federation, where it supports the delivery or administration of primary care services. Such organisations may only process information for the agreed purpose, under our documented instructions and with

appropriate confidentiality and security safeguards.

Each GP practice remains the controller of its own GP patient data but is required to let approved users run queries on pseudonymized patient data. This means identifiers are removed and replaced with a pseudonym.

Only approved users are allowed to run these queries, and they will not be able to access information that directly or indirectly identifies individuals.

Patients who do not wish for their data to be used as part of this process can register a type 1 opt out with their GP. Here you can find additional information about OpenSAFELY. [OpenSAFELY: Home](#)

10) **Safeguarding**

Some members of society are recognized as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm we are expected as professionals to do what we can to protect them. In addition we are bound by certain specific laws that exist to protect individual. This is called “Safeguarding”.

Where there is a suspected or actual safeguarding issue we will share information that we hold with other relevant agencies whether or not the individual or their representative agrees.

11) **Summary Care Record**

The Summary Care Record is an English NHS development. It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in England. The basic data is automatically extracted from your GP’s electronic record system and uploaded to the central system. GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient.

As well as this basic record additional information can be added, and this can be far reaching and detailed. However, whereas the basic data is uploaded automatically any additional data will only be uploaded if you specifically request it with your consent.

Summary Care Records can only be viewed within the NHS on NHS smartcard controlled screens or by organisations, such as pharmacies, contracted to the NHS. You can find out more about the SCR at <https://digital.nhs.uk/summary-care-records>. You have the right to object to our sharing your data in these circumstances and you can ask your GP to block uploads.

12) **Direct Care - Emergencies**

There are occasions when intervention is necessary in order to save or protect a patient’s life or to prevent them from serious immediate harm, for instance during a collapse or diabetic coma or serious injury or accident. In any of these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other emergency health care services, the police or fire brigade, so you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extent of care they will receive should they fall ill in the future. These are known as “advance directives”. If lodged in your records these will normally be honoured

despite the observations in the first paragraph

13) National Screening Programs

The NHS provides national screening programs so that certain diseases can be detected at an early stage. These currently apply to bowel cancer, breast cancer, aortic aneurysms and diabetic retinal screening services. The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening program.

More information can be found at; <https://www.gov.uk/topic/population-screening-programmes>

Alternatively, please enquire at reception.

14) NHS Digital

NHS Digital is the secure haven* for NHS patient data, a single secure repository where data collected from all branches of the NHS is processed. NHS Digital provides reports on the performance of the NHS statistical information, audits and patient outcomes.

15) Change of Details

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 in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

16) Notification

The Data Protection Act 2018 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

This information is publicly available on the Information Commissioners Office website www.ico.org.uk

The practice is registered with the Information Commissioners Office (ICO).

17) Objections / Complaints

Should you have any concerns about how your information is managed by the Practice please contact the Practice Manager at the following address:

Bentham Medical Practice
Grasmere Drive
High Bentham
North Yorkshire
LA2 7JP

If you are still unhappy following a review by the Practice, you can then complain to the Information Commissioners Office (ICO). www.ico.org.uk,
email: casework@ico.org.uk ,
telephone: 0303 123 1113 (local rate) or 01625 545 745