

# Privacy Notice – Video consultations



Tower Hamlets GP Care Group will undertake consultations via video and record some of these consultations to protect patients and staff and other health workers. People are protected by our having a record of our conversations with patients themselves, staff and other health workers.

Video consultations, or elements of the discussion patients and staff have with clinicians that contain clinical information may be added to a medical record when appropriate. The recordings are undertaken via a secure system and meets all NHS requirements and guidelines accuRx and are protected through the THGPCG Data Protection policies. These recordings will not usually be shared outside the practice. If we hold recordings that have not been deleted, you can ask for copies by putting a request to the Data Controller.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following subsections.

## Contact details:

- Data Controller Information Governance: Hamsa Hassan, Tower Hamlets GP Care Group, Tel: 020 3961 8563, email: [hamsa.hassan@nhs.net](mailto:hamsa.hassan@nhs.net)
- Data Protection Officer: Umar Sabat, IG-Health, Tel: 07894 826 037, email: [umar.sabat@ig-health.co.uk](mailto:umar.sabat@ig-health.co.uk)

## Purpose of the processing:

To facilitate your access to care and in the case of video consultations for your direct care.

## Lawful basis for processing:

The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:

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*Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.*

*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...’*

We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”

### Recipient or categories of recipients of the processed data

Necessary data will be shared with Health and care professionals and support staff in this organisation. Clinical data or records of consultations may be transcribed or appended to the records we hold on you and may thence be shared at hospitals, diagnostic and treatment centres who contribute to your personal care. Actual recordings will not be shared with anyone outside the organisation. Please see our Privacy Notice for Direct Care. The actual recordings are stored on the video calling system and after a designated period of time will be either deleted or saved, onto the organisations Shared Drive if it is deemed necessary. You will be informed if the recording is to be stored for longer than is set out in this Privacy Notice and you will be advised as to the reasons for the extended storage.

We may share information with the following organisations:

- The GP Practices within the Mid Devon Healthcare Primary Care Network
- NHS Trusts/ Foundation Trust
- NEL CCGs
- NHS Commissioning Support Units
- Community Services (District Nurses, Rehabilitation Services and out of hours services)
- Ambulance or emergency services
- Independent contractors such as Pharmacies, Dentist and Opticians
- Local authorities
- Multi-Agency Safeguarding Hub (MASH) Health and Social Care Information Centre (HSCIC)
- Child Health Intelligence Service
- Police and Judicial Services
- Educational Services
- Fire and Rescue Services
- NHS 111
- The Care Quality Commission, ICO and other regulated auditors
- Public Health England and Screening

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- NHS England
- NHS Digital
- Non-NHS health care providers
- Research providers

## Rights to object

You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller. 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

## Rights to access and amendments

You have the right to access the data that is being shared and have any inaccuracies corrected. We can provide copies of recordings if they have not been deleted. There is no right to have accurate medical records deleted except when ordered by a court of Law.

## Retention period

We will keep recordings in line with NHS' Records Management Schedule and are as such;

- Adult health records – 8 years, and will be reviewed, and if no longer needed, destroyed
- Children records – up to 25<sup>th</sup> or 26<sup>th</sup> birthday, and will be reviewed and if no longer needed, destroyed

Clinical data transcribed from video consultations may become part of your clinical record and is retained according to relevant rules and regulations, see Privacy Notice on Direct Care.

## Right to complain

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 calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate). There are National Offices for

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Scotland, Northern Ireland and Wales, (see ICO website)

\* “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.