

**ST WULFSTAN SURGERY  
FAIR PROCESSING  
& PRIVACY NOTICE**

**Your Information, Your Rights**

The Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR) require GP practices to be transparent and provide accessible information to patients about how their personal information is used.

The following notice reminds you of your rights in respect of the above legislation. It also explains how we will use your information for lawful purposes, in order to provide your care and help in the effective management of local NHS services

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 Protection Officer**

This is someone who takes proper responsibility for the practice complying with data protection rules and has the knowledge, support and authority to carry out their role effectively. Our Data Protection Officer (DPO) is Judith Jordan, NHS Arden and Greater East Midlands Commissioning Support Unit, Westgate House, Market Street, Warwick, CV34 4DE

**Data Controller**

St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG  
[istwulfstan@nhs.net](mailto:istwulfstan@nhs.net) 01926 810939

As your registered GP practice, we are the Data Controller for any personal data that we hold about you.

**Our right to process patients' data**

The legal bases that apply for the purposes of the GDPR are:

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.

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 and service

This Privacy Notice applies to the personal data of our patients and the data you have given us about your carers/family members

### **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 the your care.

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.

#### **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.

### **Why do we collect this information?**

The NHS Act 2006 and the Health and Social Care Act 2012 allows GP Practices 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
- Help manage the health and social care system and services.

### **How is the information collected?**

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

## Who will we share your information with?

***Please see Transparency Notice at the end of this document which deals with GPES Data for Pandemic Planning and Research for Covid19***

As a result of improvements in information technology and appropriate information governance standards, it is becoming possible to share your GP records across Coventry & Warwickshire Health & Social Care electronically using the practice clinical system (EMIS Web). We will only share this information with your explicit consent, when seeing a health worker, so that you are able to allow doctors, nurses and other health and social care services in other health organisations to view the information held on your GP records. This will enable health organisations to provide an appropriate health service required to meet the patients' needs.

The following are examples of the types of organisations that we are likely to share such information with:

- NHS and specialist hospitals, Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private and Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups and Primary Care Networks
- Social Care Services and Local Authorities

Any patient can choose to withdraw their consent to their data being used in this way. When the Surgery is about to participate in any new data-sharing scheme we will make patients aware by displaying prominent notices in the Surgery and on our website. These schemes are only for direct care so you (or your carer) will be present when the information is accessed and will be asked for consent again, before your records are opened.

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

In order to deliver and coordinate your health and social care, the practice may also share data (where required) with the following organisations:

- Local GP Practices and organisations in order to deliver extended-hours primary care services
- Other NHS organisations, including NHS England, South Warwickshire Clinical Commissioning Group (CCG) and Clinical Support Unit (CSU), Warwickshire East Primary Care Network, South Warwickshire GP Federation, NHS Hospital Trusts and Mental Health Services
- 111 and Out of Hours Service
- Local Social Services and Community Care services
- Voluntary Support Organisations commissioned to provide services by our local CCG

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.

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 we can provide the appropriate care.

In addition, the practice will use carefully selected third party service providers. We will use organisations within the EU wherever possible. Where this is not the case, we will only use companies who are Privacy Shield, and therefore GDPR, compliant.

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 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.
- Payment providers such as Square (if for example you were paying for a service such as travel vaccinations).

In addition, we also receive 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”.

The Practice uses a clinical computer system provided by a Data Processor called EMIS. From 10th June 2019, EMIS have stored our patients’ data in a highly secure, third party cloud-hosted environment, namely Amazon Web Services (“AWS”). The data will remain in the UK at all times and will be fully encrypted both in transit and at rest. In doing this, there will be no change to the control of access to your data and the hosted service provider will not have any access to the decryption keys. AWS is one of the world’s largest cloud companies, already supporting numerous public sector clients (including the NHS), and it offers the very highest levels of security and support.

The Practice uses a telephone system provided by a Data Processor called X-on. The practice does not routinely record telephone calls. However, occasionally, some calls may be recorded. Any recordings are stored in a highly secure cloud-hosted environment and do not form part of our patients’ medical records. The data will remain in the UK at all times and is fully encrypted both in transit and at rest. The hosted service provider will not have any access to the decryption keys. The data will be deleted after 36 months.

Our website is provided by Squarespace Inc. This company is based in the US but is fully EU-US Privacy Shield compliant. Their Privacy Policy can be viewed [here](#)

New patients joining the practice may choose to register online. The practice uses online forms from a Third Party provider called iPegs Ltd. The company is Cyber Essentials Certified and stores data in a highly secure cloud-hosted environment, namely Amazon Web Services (“AWS”).

We use a system called Square to take payments for private services over the phone and in person. This company is based in the EU (Ireland) and their Privacy Policy can be viewed [here](#)

We use digital platforms to communicate with you by letter and text message, such as iMail, Docmail and AccurX Chain SMS.

We may use Mail Chimp and Bitly when we contact you. Both of these organisations are based in the US but are fully EU-US Privacy Shield compliant. Please see links below to their online Privacy Policies:

[Mail Chimp](#)

[Bitly](#)

We also share non-identifiable information with the Clinical Practice Research Datalink (CPRD).

### **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.

### **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 build trust and enhance an organisation's reputation. However, consent is only one potential lawful basis for processing information. Therefore, we 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. We will contact you if we 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 at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact your GP Practice for further information and to raise your objection.

### **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our clinical computer system, EMIS Web, enables your record to be shared with organisations involved in your direct care, such as:

- Community services, including 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
- Care Homes
- Mental Health Trusts
- Hospitals
- Social Care organisations
- Pharmacies
- Ambulance Trusts

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In response to the Covid-19 emergency, a new law has been passed temporarily removing the requirement for patients to provide prior explicit consent to share Additional Information through the Summary Care Record.

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 is automatically set-up 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.

**Integrated Care Record:** St Wulfstan Surgery works with other health and social care organisations to share information that will form part of your Integrated Care Record. The Integrated Care Record allows health and care professionals involved in your care to view your records to help them understand your needs and make the best decisions with you, and for you. Information we hold about you will be available, to read only, to other Health and care professionals in Coventry and Warwickshire, Birmingham and Solihull, and Herefordshire and Worcestershire when they are involved in your health or social care.

For more information on how your data is used on the Integrated Care Record and how to exercise your rights please see the [full Privacy Notice](#) or copy and paste this link

<https://www.happyhealthylives.uk/our-priorities/digital-transformation/integrated-care-record/privacy-notice/>

### **NHS Data Opt Out – Your Care Data**

The national data opt-out replaces type 2 opt outs. GP practices will no longer use the type 2 opt out code to record a patient's opt out choice.

Type 2 opt-outs are those opt-outs recorded on the patient record to prevent NHS Digital sharing confidential patient information for research and planning. These were previously managed by the patient's GP practice making a coded entry into the patient's record. If you have already opted out then your existing type 2 opt-out will automatically be converted into the national data opt-out.

You have a choice. If you are happy for your information to be used for research and planning you do not have to do anything. If you have any concerns and wish to prevent this from happening, you can choose to opt out. To find out how to do this, and for more information on the NHS national data opt out programme, please visit the link below

<https://digital.nhs.uk/services/national-data-opt-out-programme>

This link will also provide you with information regarding how to cancel an existing opt-out choice, should you wish to do so

### **National Data Extractions (Also known as GPES)**

The Health and Social Care Act 2012 allows NHS Digital to collate personal confidential data from GP practices without seeking your specific consent. This is extracted in order to make increased use of information from medical records and either used just by the NHS with the intention of improving healthcare and the quality of care delivered to patients or may be sold to external companies such as universities or commercial organisations. Please contact us if you do not want your data used in this way.

More information about how NHS Digital uses your data can be found at <http://content.digital.nhs.uk/gpes>

### **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”. 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 could be us, 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 be in the interests of your wellbeing or to protect the identity of a third party. If you would like access to your GP medical record please visit our website ([www.stwulfstan.co.uk](http://www.stwulfstan.co.uk)) to register for online access. If you do not wish to register for online access, but would still like to access your records, please submit a request in writing to:

The Practice Manager, St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG

## Complaints

In the event that you feel that we have not complied with 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 Practice Manager at:

**St Wulfstan Surgery, Northfield Road, Southam, Warwickshire, CV47 0FG**

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](http://www.ico.gov.uk)

*\*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.*

**NAME AND ADDRESS: ST WULFSTAN SURGERY, NORTHFIELD ROAD, SOUTHAM, CV47 0FG**

**EMAIL: [istwulfstan@nhs.net](mailto:istwulfstan@nhs.net)**

**PHONE: 01926 810939**

Review schedule: every 12 months

To be reviewed by: Practice Manager

Next review due: November 2022



## ***Transparency Notice for GPES Data for Pandemic Planning and Research (COVID-19)***

*This practice is supporting vital coronavirus (COVID-19) planning and research by sharing your data with NHS Digital.*

*The health and social care system is facing significant pressures due to the coronavirus (COVID-19) outbreak. Health and care information is essential to deliver care to individuals, to support health, social care and other public services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the coronavirus outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations. This practice is supporting vital coronavirus planning and research by sharing your data with NHS Digital, the national safe haven for health and social care data in England.*

### ***Our legal basis for sharing data with NHS Digital***

*NHS Digital has been legally directed to collect and analyse patient data from all GP practices in England to support the coronavirus response for the duration of the outbreak. NHS Digital will become the controller under the General Data Protection Regulation 2016 (GDPR) of the personal data collected and analysed jointly with the Secretary of State for Health and Social Care, who has directed NHS Digital to collect and analyse this data under the COVID-19 Public Health Directions 2020 (COVID-19 Direction).*

*All GP practices in England are legally required to share data with NHS Digital for this purpose under the Health and Social Care Act 2012 (2012 Act). More information about this requirement is contained in the data provision notice issued by NHS Digital to GP practices.*

*Under GDPR our legal basis for sharing this personal data with NHS Digital is Article 6(1)(c) - legal obligation. Our legal basis for sharing personal data relating to health, is Article 9(2)(g) – substantial public interest, for the purposes of NHS Digital exercising its statutory functions under the COVID-19 Direction.*

### ***The type of personal data we are sharing with NHS Digital***

*The data being shared with NHS Digital will include information about patients who are currently registered with a GP practice or who have a date of death on or after 1 November 2019 whose record contains coded information relevant to coronavirus planning and research. The data contains NHS Number, postcode, address, surname, forename, sex, ethnicity, date of birth and date of death for those patients. It will also include coded health data which is held in your GP record such as details of:*

- diagnoses and findings*
- medications and other prescribed items*
- investigations, tests and results*
- treatments and outcomes*
- vaccinations and immunisations*

### ***How NHS Digital will use and share your data***

*NHS Digital will analyse the data they collect and securely and lawfully share data with other appropriate organisations, including health and care organisations, bodies engaged in disease surveillance and research organisations for coronavirus response purposes only. These purposes include protecting public health, planning and providing health, social care and public services, identifying coronavirus trends and risks to public health, monitoring and managing the outbreak and carrying out of vital coronavirus research and clinical trials. The British Medical Association, the Royal College of General Practitioners and the National Data Guardian are all supportive of this initiative.*

*NHS Digital has various legal powers to share data for purposes relating to the coronavirus response. It is also required to share data in certain circumstances set out in the COVID-19 Direction and to share confidential patient information to support the response under a legal notice issued to it by the Secretary of State under the Health Service (Control of Patient Information) Regulations 2002 (COPI Regulations).*

*Legal notices under the COPI Regulations have also been issued to other health and social care organisations requiring those organisations to process and share confidential patient information to respond to the coronavirus outbreak. Any information used or shared during the outbreak under these legal notices or the COPI Regulations will be limited to the period of the outbreak unless there is another legal basis for organisations to continue to use the information.*

*Data which is shared by NHS Digital will be subject to robust rules relating to privacy, security and confidentiality and only the minimum amount of data necessary to achieve the coronavirus purpose will be shared. Organisations using your data will also need to have a clear legal basis to do so and will enter into a data sharing agreement with NHS Digital. Information about the data that NHS Digital shares, including who with and for what purpose will be published in the NHS Digital data release register.*

*For more information about how NHS Digital will use your data please see the NHS Digital Transparency Notice for GP Data for Pandemic Planning and Research (COVID-19).  
National Data Opt-Out*

*The application of the National Data Opt-Out to information shared by NHS Digital will be considered on a case by case basis and may or may not apply depending on the specific purposes for which the data is to be used. This is because during this period of emergency, the National Data Opt-Out will not generally apply where data is used to support the coronavirus outbreak, due to the public interest and legal requirements to share information.*

### **Your rights over your personal data**

*To read more about the health and care information NHS Digital collects, its legal basis for collecting this information and what choices and rights you have in relation to the processing by NHS Digital of your personal data, see:*

- [the NHS Digital GPES Data for Pandemic Planning and Research \(COVID-19\) Transparency Notice](#)
- [the NHS Digital Coronavirus \(COVID-19\) Response Transparency Notice](#)
- [the NHS Digital General Transparency Notice](#)
- [how NHS Digital looks after your health and care information](#)