

Sparcells Surgery

Patients Privacy Notice

All our clinical healthcare professionals provide primary medical care services to our practice population and are supported by our administrative and managerial team in providing care for patients.

This privacy notice explains how we use any personal information we collect about you as a patient of health care services provided by Carfax Health Enterprise Community Interest Company.

Why do we collect your personal information?

Health care professionals who provide you with care are required by law to maintain records about your health and any treatment or care you have received within any NHS organisation. These records help to provide you with the best possible healthcare and help us to protect your safety.

We collect and hold data for the purpose of providing healthcare services to our patients and running our organisation which includes monitoring the quality of care that we provide. In carrying out this role we will collect information about you which helps us respond to your queries or secure specialist services. We will keep your information in written form and/or in digital form. The records will include both personal and special categories of data about your health and wellbeing

What types of personal information do we collect about you?

We may collect the following types of personal information:

- Your name, address, email address, telephone number and other contact information
- Gender, NHS Number and date of birth and sexual orientation
- Details of family members and next of kin details
- Health (Medical) information, including information relating to your sex life
- Details of any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments and telephone calls.
- Results of investigations such as laboratory tests or x-rays
- Biometric data
- Genetic information

How will we use the personal information we collect about you?

We may use your personal information in the following ways:

- To help us assess your needs and identify and provide you with the health and social care that you require
- To determine the best location to provide the care you require
- To comply with our legal and regulatory obligations
- To help us monitor and manage our services.

Text (SMS) Messages

If you have provided your mobile telephone number, we may use this to send automatic appointment reminders, requests to complete surveys or to make you aware of services provided by the surgery that we feel will be to your benefit.

If you do not wish to receive these text messages, please let the reception team know.

Call recording

Recordings of calls made and received by Sparcells Surgery may be used to support the learning and development of our staff and to improve the service we provide to our patients.

They may also be used when reviewing incidents, compliments or complaints. Call recordings will be managed in the same way as all other personal information processed by us and in line with all current legislation.

Data processors

We may use the services of a data processor to assist us with some of our data processing, but this is done under a contract with direct instruction from us that controls how they will handle patient information and ensures they treat any information in line with the General Data Protection Regulation, confidentiality, privacy law, and any other laws that apply.

How will we share your personal information?

We may share your personal information with other health and social care professionals and members of their care teams to support your ongoing health and or social care and achieve the best possible outcome for you. This may include:

Patient Referrals

With your agreement, we may refer you to other services and healthcare providers for services not provided by Carfax Health Enterprise CIC.

Local Hospital, Community or Social Care Services

Sometimes the clinicians caring for you may need to share some of your information with others who are also supporting you.

Summary Care Record (SCR)

Your Summary Care Record is an electronic record of important patient information created from the GP medical records. It contains information about medications, allergies and any bad reactions to medications in the past. It can be seen by staff in other areas of the health and care system involved in your direct care.

Integrated Care Records (ICR)

An Integrated Care Record allows other health and care providers who are directly involved with your care to access appropriate, timely and relevant information about you to enable them to support your health and care.

GP Connect in support of the National COVID-19 Service

GP Connect is a system that allows the national COVID-19 service to access your GP medical records to enable them to support your health and care in response to the COVID-19 pandemic.

NHS Digital

In order to comply with its legal obligations this practice may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2002.

This practice contributes to national clinical audits and will send the data, which are required by NHS Digital when 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.

National Services

There are some national services like the national Cancer Screening Programme that collect and keep information from across the NHS. This is how the NHS knows when to contact you about services like cancer screening.

Other NHS Organisations

Sometimes the practice will share information with other health care organisations that do not directly care for you, such as the Clinical Commissioning Group. However this information will be anonymous and does not include anything written as notes by the GP and cannot be linked to you.

Any medical or health related personal information will be treated with confidence in line with the common law duty of confidentiality and the Confidentiality NHS Code of Practice. We may be required to share information with people other than health and social care professionals and members of their care teams in order to comply with our legal and regulatory obligations.

We will not share your information with people other than health and social care professionals and members of their care teams without your consent unless the law allows or requires us to.

NHS National Data Opt-out

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care Services, important information about you is collected in a patient record for that service. Collecting this confidential patient information helps to ensure you get the best possible care and treatment.

The confidential patient information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care where allowed by law.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information, you do not need to do anything. If you choose to opt out your confidential patient information will still be used to support your individual care.

We do not share your confidential patient information for purposes beyond your individual care without your permission. When sharing data for planning and reporting purposes, we use anonymised data so that you cannot be identified in which case your confidential patient information isn't required.

Information being used or shared for purposes beyond individual care does not include your confidential patient information being shared with insurance companies or used for marketing purposes and information would only be used in this way with your specific agreement.

Health and care organisations that process confidential patient information have to put systems and processes in place so they can be compliant with the national data opt-out.

They must respect and apply your opt-out preference if they want to use or share your confidential patient information for purposes beyond your individual care.

Sparcells Surgery is currently compliant with the national data opt-out policy as we do not share your confidential patient information for purposes beyond your individual care without your permission.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters

You can change your choice at any time.

How long do we keep your personal information?

We follow the Records Management Code of Practice for Health and Social Care 2016 records retention schedule published by the Information Governance Alliance for the Department of Health which states that electronic patient records should be retained for 10 years from the date of death. At that point, all personal data we hold on you will be securely deleted.

We keep recordings of our calls for 3 years.

Legal basis

We have been commissioned by the Swindon Clinical Commissioning Group to provide a GP surgery service and it is necessary for the performance of this task in the public interest for us to process your personal data.

We will use your special categories of personal data, such as that relating to your race, ethnic origin, and health for the purposes of providing you with health or social care or the management of health or social care systems and services. Such processing will only be carried out by a health or social work professional or by another person who owes a duty of confidentiality under legislation or a rule of law.

In some circumstances, we may process your personal information on the basis that:

- it is necessary to protect your vital interests;
- we are required to do so in order to comply with legal obligations to which we are subject;
- we are required to do so for the establishment, exercise or defence of a legal claim;
- you have given us your explicit consent to do so.

Your rights

You have a right to:

- ask for a copy of the information we hold about you;
- correct inaccuracies in the information we hold about you
- withdraw any consent you have given to the use of your information;
- complain to the relevant supervisory authority in any jurisdiction about our use of your information
- in some circumstances:
 - erase information we hold about you;
 - receive a copy of your personal data in an electronic format and require us to provide this information to a third party;
 - restrict the use of information we hold about you; and
 - object to the use of information we hold about you.

You can exercise these rights by contacting us as detailed below.

How to contact us

If you have any questions about our privacy notice, the personal information we hold about you, or our use of your personal information then please contact our Data Protection Officer at our registered office:

Data Protection Officer, Carfax Health Enterprise CIC, Sparcells Surgery, Midwinter Close, Peatmoor, Swindon SN5 5AN

Or email

seniormanager.carfax@nhs.net

How to make a complaint

You also have the right to raise any concerns about how your personal data is being processed by us with the Information Commissioners Office (ICO):

<https://ico.org.uk/concerns>

0303 123 1113

Changes to our privacy notice

We keep our privacy notice under regular review and we will place any updates on this webpage. This privacy notice was last updated on 20 May 2020.

COVID-19 Privacy Notice Appendix

This appendix has been added to include any additional data processing completed by us during the Coronavirus (COVID-19) outbreak.

Summary Care Record with Additional Information

In light of the current emergency, the Department of Health and Social Care has removed the requirement for your explicit consent prior to sharing additional information as part of the summary care record.

You can read more about the changes to your Summary Care Record here:

[Supplementary Privacy Notice for Summary Care Records](#)

GP Connect in support of the National COVID-19 Response

To help the NHS during the COVID-19 outbreak, NHS Digital are improving the access that doctors, nurses and healthcare professionals have to medical records and information, so that they can more safely treat and advise patients who are not in their usual GP practice, who call 111 or are seen in hospitals and other healthcare settings.

You can read more about GP Connect here:

[GP Connect information for patients](#)

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](#)