

PRIVACY NOTICE

1. COVID19 SUPPLEMENTARY PRIVACY NOTICE

The NHS continues to work closely with the National Data Guardian (NDG) and Information Commissioner's Office (ICO) to ensure a high level of transparency for patients during this period. View the [NHS Supplementary Privacy Notice](#) to find out how your information may be used as a result of Covid-19.

2. MAIN PRIVACY NOTICE – Direct and Indirect Care (routine care and referrals)

We keep data on you relating to:

- Who you are
- Where you live
- What you do
- Your family
- Possibly your friends
- Your employers
- Your habits
- Your problems and diagnoses
- The reasons you seek help
- Your appointments
- Where you are seen
- When you are seen and who by
- Referrals to specialists and other healthcare providers
- Tests undertaken
- Investigations and scans
- Treatments and outcomes of treatments
- Your treatment history
- Observations and opinions of other healthcare workers, within and without the NHS
- Comments and aide memoires reasonably made by healthcare professionals who are appropriately involved in your health care.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by [NHS Digital](#), a national organisation which has legal responsibilities to collect NHS data.

If your health needs require care from others elsewhere/outside our services, we will exchange with them any information about you that is necessary for them to provide that care. When you contact healthcare providers outside our services but within the NHS it is usual for them to send us information relating to that appointment. We will retain part or all those reports.

Your consent to this sharing of data, within our services and with those others outside our services is assumed and is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles, such as:

- Administration staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments
- Nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts.
- GPs will normally have access to everything in your record.

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

We undertake Data Protection Impact Assessments as needed and copies of these are available on request to our Data Protection Officer.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

2.1 Data Controller contact details

Ashford Clinical Providers Ltd, Mill Court, Ashford, Kent TN24 8DN

2.2 Data Protection Officer contact details

Kent and Medway CCG DPO support team, Unit A, Compass Centre North, Pembroke Road, Chatham Maritime, Kent, ME4 4YG. Email: mccg.northkentgpdataprotection@nhs.net. Tel: 01634 335212

2.3 Purpose of processing

Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a

specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.

2.4 Lawful basis for processing

The processing of personal data in the delivery of direct care and for providers' administrative purposes in our practices, services and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the General Data Protection Regulations:

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" *

2.5 Recipient or categories of recipients of the processed data

The data will be shared with healthcare professionals and support staff (See 'Services We Provide' section of our website for full list of our GP practices) and at hospitals, diagnostic and treatment centres who contribute to your personal care.

2.6 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.

2.7 Right to Access and Correct

You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.

2.8 Retention Period

The data will be retained in line with the law and national guidance, as set out in the **Records Management Code of Practice 2021**.

2.9 Right to Complain

You have the right to complain about Data breaches. You can do this online at the [Information Commissioner's Office](#) or you can phone their helpline:
Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).

2.10 Data Choice

Information about your health and care helps us to improve your individual care, speed up diagnosis, plan your local services and research new treatments. The NHS is committed to keeping patient information safe and always being clear about how it is used.

Information about your individual care, such as treatment and diagnosis, is collected whenever you use health and care services. It is also used to help us and other organisations for research and planning such as research into new treatments, deciding where to put GP clinics and planning for the number of doctors and nurses in your local hospital. It is only used in this way when there is a clear legal basis to use the information to help improve health and care for you, your family and future generations.

Wherever possible, we try to use data that does not identify you, but sometimes it is necessary to use your confidential patient information.

You do not need to do anything if you are happy about how your information is used. If you do not want your confidential patient information to be used for research and planning, you can choose to opt out securely online or through a telephone service. You can change your mind about your choice at any time.

Choosing to opt out will not affect how your information is used to support your care and treatment.

If you are happy for your confidential patient data to be used for research and planning, you do not need to do anything. You can find out more about the benefits of data sharing, how it is protected, or to make a change/opt out choice at [Your NHS Data Matters](#).

* ***“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, it cannot normally be disclosed without the information provider's consent.

In practice, this means that patient information must NOT normally be disclosed without the consent of the patient whether stored in/on:

- *Paper*
- *Computer*
- *Visual or audio recording*
- *Memory of the professional.*

This applies regardless of the patient's age or state of mental health.

But there are three circumstances when disclosure of confidential information is lawful:

- *The person to whom the information relates, has consented*
- *Disclosure is in the public interest*
- *There is a legal duty to disclose, for example a court order.*