



# BHWC

Brighton Health & Wellbeing Centre

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Tel: 01273 772020

[www.brightonhealthandwellbeingcentre.co.uk](http://www.brightonhealthandwellbeingcentre.co.uk)

## Fair Processing Notice (Privacy Notice) – May 2021

### Your Personal Information – What You Need to Know

This privacy notice explains why we collect information about you, how that information will be used, how we keep it safe and confidential and what your rights are in relation to this.

### The NHS Constitution

The NHS Constitution establishes the principles and values of the NHS in England. It sets out the rights patients, the public and staff are entitled to. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programs available to you, confidentiality, information and your right to complain if things go wrong. Further information: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>.

### The NHS Care Record Guarantee

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS, what control the patient can have over this, the rights individuals have to request copies of their data and how data is protected under Data Protection Legislation. Further information: <http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>.

### Why we collect information about you

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. 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.

NHS health 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 which this GP Practice may hold about you may include the following information:

- Details about you, such as address and next of kin
- 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

## Our Commitment to Data Privacy and Confidentiality Issues

As a GP practice, all of our GPs, staff and associated practitioners are committed to protecting your privacy and will only process data in accordance with the Data Protection Legislation. This includes the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act (DPA) 2018, the Law Enforcement Directive (Directive (EU) 2016/680) (LED) and any applicable national Laws implementing them as amended from time to time. The legislation requires us to process personal data only if there is a legitimate basis for doing so and that any processing must be fair and lawful.

In addition, consideration will also be given to all applicable Law concerning privacy, confidentiality, the processing and sharing of personal data including the Human Rights Act 1998, the Health and Social Care Act 2012 as amended by the Health and Social Care (Safety and Quality) Act 2015, the common law duty of confidentiality and the Privacy and Electronic Communications (EC Directive) Regulations.

## Data we collect about you

Records which this GP Practice will hold or share about you will include the following:

- Personal Data – means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- Special Categories of Personal Data – this term describes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
- Confidential Patient Information – this term describes information or data relating to their health and other matters disclosed to another (e.g. patient to clinician) in circumstances where it is reasonable to expect that the information will be held in confidence. Including both information 'given in confidence' and 'that which is owed a duty of confidence'. As described in the Confidentiality: NHS code of Practice: Department of Health guidance on confidentiality 2003.
- Pseudonymised – the process of distinguishing individuals in a dataset by using a unique identifier which does not reveal their 'real world' identity.
- Anonymised – data in a form that does not identify individuals and where identification through its combination with other data is not likely to take place.
- Aggregated – statistical data about several individuals that has been combined to show general trends or values without identifying individuals within the data.

## How the NHS and care services use your information

Brighton Health & Wellbeing Centre is one of many organisations working in the health and care system to improve care for patients and the public.

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 information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- Improving the quality and standards of care provided
- Research into the development of new treatments
- Preventing illness and diseases
- Monitoring safety
- Planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

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 do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters). On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at: <https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made).

You can change your mind about your choice at any time.

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

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. Our organisation is currently compliant with the national data opt-out policy.

A full list of details including the legal basis, any Data Processor involvement and the purposes for processing information can be found in Appendix A.

### **Who are our partner organisations?**

We may share your information, subject to strict agreements on how it will be used, with the following organisations:

- NHS Trusts
- Specialist Trusts
- Independent Contractors e.g., Dentists, Opticians, Pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Out of Hours services including NHS111
- Extended Hours Services
- Clinical Commissioning Groups (CCGs)
- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police
- HM Coroner
- Research Organisations
- Other Data Processors

### **How long do we hold information for?**

All records held by the Practice will be kept for the duration specified by national guidance from NHS Digital, Health and Social Care Records Code of Practice. Once information that we hold has been identified for destruction it will be disposed of in the most appropriate way for the type of information it is. Personal confidential and commercially confidential information will be disposed of by approved and secure confidential waste procedures. We keep a record of retention schedules within our information asset registers, in line with the [Records Management Code of Practice for Health and Social Care 2016](#).

### **Your right to opt-out of data sharing and processing**

The NHS Constitution states, 'You have a right to request that your personal and confidential information is not used beyond your own care and treatment and to have your objections considered'. For further information please visit: [The NHS Constitution](#).

### **National Data Opt-Out – data held by NHS Digital**

The national data opt-out was introduced on 25 May 2018, enabling patients to opt-out from the use of their data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

By 2020 all health and care organisations are required to apply national data opt-outs where confidential patient information is used for research and planning purposes. NHS Digital has been applying national data opt-outs since 25 May 2018. Public Health England has been applying national data opt-outs since September 2018.

The national data opt-out replaces the previous 'type 2' opt-out, which required NHS Digital not to share a patient's confidential patient information for purposes beyond their individual care. Any patient that had a type 2 opt-out recorded on or before 11 October 2018 has had it automatically converted to a national data opt-out. Those aged 13 or over were sent a letter giving them more information and a leaflet explaining the national data opt-out. For more information go to [NHS Digital - Opting out of sharing your confidential patient information](#).

To find out more or to register your choice to opt out, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters). You can also register your choice in alternative ways via the NHS app or NHS Digital. You can make or change a choice for yourself or someone else by phone, email or post to NHS Digital. NHS Digital Contact Centre phone number: 0300 303 5678 – Monday to Friday, 9am to 5pm (excluding bank holidays). If you're a parent or legal guardian and you want to opt your children out, you must complete the [opt-out form](#). Once you've completed the form, you can email it to the Contact Centre – [enquiries@nhsdigital.nhs.uk](mailto:enquiries@nhsdigital.nhs.uk). Alternatively, you can post the form to: National Data Opt-Out, Contact Centre, NHS Digital, HM Government, 7-8 Wellington Place, Leeds LS1 4AP.

Full documentation about the national data opt-out policy can be found on the following link – <https://digital.nhs.uk/services/national-data-opt-out/operational-policy-guidance-document>

### **Type 1 Opt-Out – data held by your GP Practice**

This is an objection that prevents an individual's personal confidential information from being shared outside of their general practice except when it is being used for the purposes of direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease. If you wish to apply a Type 1 Opt-Out to your GP medical records you should make your wishes known to the practice by completing this [Type 1 Opt-Out form](#) or you can download from the practice website or ask reception for a copy.

### **General Practice Data for Planning and Research (GPDPR) – NHS Digital**

We are providing data to NHS Digital as part of the General Practice Data for Planning and Research data collection, so that patient data can be used to help improve everyone's health and care. NHS Digital is part of the NHS. Data sharing with NHS Digital will start on 1 July 2021.

The NHS needs data about the patients it treats in order to plan and deliver its services and to ensure that care and treatment provided is safe and effective. The General Practice Data for Planning and Research data collection will help the NHS to improve health and care services for everyone by collecting patient data that can be used to do this. For example, patient data can help the NHS to:

- monitor the long-term safety and effectiveness of care
- plan how to deliver better health and care services
- prevent the spread of infectious diseases
- identify new treatments and medicines through health research

GP practices already share patient data for these purposes through the [General Practice Extraction Service \(GPES\)](#), but this new data collection will be more efficient and effective.

We have agreed to share the patient data we look after in our practice with NHS Digital who will securely store, analyse, publish and share this patient data to improve health and care services for everyone. This includes:

- informing and developing health and social care policy
- planning and commissioning health and care services
- taking steps to protect public health (including managing and monitoring the coronavirus pandemic)
- in exceptional circumstances, providing you with individual care
- enabling healthcare and scientific research

This means that we can get on with looking after our patients and NHS Digital can provide controlled access to patient data to the NHS and other organisations who need to use it to improve health and care for everyone.

Contributing to research projects will benefit us all as better and safer treatments are introduced more quickly and effectively without compromising your privacy and confidentiality.

NHS Digital has engaged with the [British Medical Association \(BMA\)](#), [Royal College of GPs \(RCGP\)](#) and the [National Data Guardian \(NDG\)](#) to ensure relevant safeguards are in place for patients and GP practices.

Further information on why the NHS needs data and how it will be used can be found on the following link – <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-data-for-planning-and-research/advice-for-the-public>

### **NHS Digital Data Collection**

We will only collect structured and coded data from patient medical records that is needed for specific health and social care purposes explained above.

Data that directly identifies you as an individual patient, including your NHS number, General Practice Local Patient Number, full postcode, date of birth and if relevant date of death, is replaced with unique codes produced by de-identification software before it is sent to NHS Digital. This means that no one will be able to directly identify you in the data.

NHS Digital will be able to use software to convert unique codes back to data that could directly identify you in certain circumstances, and where there is a valid legal reason. This would mean that the data became personally identifiable. Only NHS Digital has the ability to do this. An example would be where you consent to your identifiable data being shared with a research project or clinical trial in which you are participating, as they need to know the data is about you. It will still be held securely and protected, including when it is shared by NHS Digital.

NHS Digital will collect:

- data on your sex, ethnicity and sexual orientation
- clinical codes and data about diagnoses, symptoms, observations, test results, medications, allergies, immunisations, referrals and recalls, and appointments, including information about your physical, mental and sexual health
- data about staff who have treated you

NHS Digital does not collect:

- your name and address (except for your postcode in unique coded form)
- written notes (free text), such as the details of conversations with doctors and nurses
- images, letters and documents
- coded data that is not needed due to its age – for example medication, referral and appointment data that is over 10 years old
- coded data that GPs are not permitted to share by law – for example certain codes about IVF treatment, and certain information about gender re-assignment

NHS Digital will not approve requests for data to be used for:

- insurance or marketing purposes
- promoting or selling products or services

- market research
- advertising

NHS Digital will not sell your data.

More detailed information about the patient data we collect and how it is used is available on the [GDPR Data Provision Notice](#) and [General Practice Data for Planning and Research Directions 2021](#) websites with additional links to policies and supporting information.

#### *Opting-Out of Data Sharing*

If you have already registered a Type 1 Opt-Out with your GP practice your data will not be shared with NHS Digital. If you wish to register a Type 1 Opt-Out with your GP practice before data sharing starts with NHS Digital, this should be done by [returning this form](#) to your GP practice **by 23 June 2021** to allow time for processing it. If you have previously registered a Type 1 Opt-Out and you would like to withdraw this, you can also use the form to do this. You can send the form by post or email to your GP practice or call 0300 3035678 for a form to be sent out to you. If you register a Type 1 Opt-Out after your patient data has already been shared with NHS Digital, no more of your data will be shared with NHS Digital. NHS Digital will however still hold the patient data which was shared with them before you registered the Type 1 Opt-Out.

If you don't want your confidential patient information to be shared by NHS Digital with other organisations for purposes except your own care - either GP data, or other data it holds, such as hospital data - you can register a [National Data Opt-Out](#).

If you have registered a National Data Opt-Out, NHS Digital won't share any confidential patient information about you with other organisations, unless there is an exemption to this, such as where there is a legal requirement or where it is in the public interest to do so, such as helping to manage contagious diseases like coronavirus. You can find out more about [exemptions on the NHS website](#).

From 1 October 2021, the National Data Opt-Out will also apply to any confidential patient information shared by the GP practice with other organisations for purposes except your individual care. It won't apply to this data being shared by GP practices with NHS Digital, as it is a legal requirement for us to share this data with NHS Digital and the National Data Opt-Out does not apply where there is a legal requirement to share data.

You can find out more about and register a National Data Opt-Out or change your choice on [nhs.uk/your-nhs-data-matters](https://nhs.uk/your-nhs-data-matters) or by using the NHS app or by calling NHS Digital on 0300 3035678.

#### **Summary Care Record (SCR)**

Summary Care Records (SCR) are an electronic record of important patient information, created from GP medical records. They can be seen and used by authorised staff in other areas of the health and care system, throughout England, involved in your direct care. Access to SCR information means that care in other settings is safer, reducing the risk of prescribing errors and can avoid delays in urgent or emergency care, which will improve your healthcare experience. Before accessing your SCR, your consent will be asked, unless it is an emergency and you are unable to do so.

Your SCR holds important information about your:

- current or recent medication
- allergies and details of any previous bad reactions to medicines
- name, address, date of birth and NHS number

Additional Information in the SCR (SCR+AI), such as details of long-term conditions (e.g. diabetes, dementia, heart disease), significant medical history, treatment preferences (care planning), carer's details, and specific communications needs (e.g. hearing difficulties or interpreter requirements), is now included by default for patients with an SCR, unless you have previously told the NHS that you did not want this information to be shared. There will also be a temporary change to include COVID-19 specific codes in relation to suspected, confirmed, Shielded Patient List and other COVID-19 related information within the Additional Information.

Including Additional Information means that healthcare staff can give you better care if you are away from your usual GP, for example:

- in an emergency
- when you are on holiday
- when your GP practice is closed
- visiting a pharmacist
- attending an out-patient appointment

Patient groups who benefit most from including Additional Information in their SCR include:

- frail patients who can use SCR to give out of hours or emergency health care staff more complete information, making unwanted admission less likely
- patients with long term conditions
- patients eligible for flu vaccinations
- those with dementia or learning disabilities
- patients planning for end of life, who can use SCRs to share information about their preferences, Lasting Power of Attorney and advance decisions
- patients with physical, sensory or other disabilities, who can benefit from recording any specific needs, for example communication needs, so that health and care staff can make reasonable adjustments
- non-English speakers
- patients with carers whose details they want to share or who have appointed someone to have Health and Welfare Lasting Power of Attorney
- patients with specific care preferences

If you wish to opt-out of the SCR or SCR+AI, or change your preferences, please complete the following form - [SCR patient consent preference form - NHS Digital](#). There are three options to choose how you want your information shared:

1. To have a Summary Care Record with Additional Information shared (SCR+AI). This means that any authorised, registered and regulated health and care professionals will be able to see an enriched Summary Care Record if they need to provide you with direct care.
2. To have a Summary Care Record with core information only (SCR). This means that any authorised, registered and regulated health and care professionals will be able to see information about allergies and medications only in your Summary Care Record if they need to provide you with direct care.
3. To opt-out of having a Summary Care Record altogether. This means that you do not want any information shared with other authorised, registered and regulated health and care professionals involved in your direct care, including in an emergency.

Further information about SCR and SCR-AI including explanations about data security, access and confidentiality is available on the following website <https://digital.nhs.uk/services/summary-care-records-scr/summary-care-records-scr-information-for-patients>.

To find out which organisations have accessed your information through an SCR you can make a Subject Access Request (SAR) to NHS Digital - [How to make a subject access request - NHS Digital](#). If it is regarding other types of data access and usage of your medical records held by your GP practice's computer system, you will need to request an SAR from your GP practice directly.

Note: SCR is about sharing of information for individual healthcare purposes only; National Data Opt-Out is regarding data sharing for research and planning purposes.

### **Right of Access to Your Information (Subject Access Request)**

Under Data Protection Legislation everybody has the right to have access to, or request a copy of, information we hold that can identify you, and to have it amended or removed should it be inaccurate, this includes your medical record. There are some safeguards regarding what you will have access and you may find information has been redacted or removed for the following reasons:

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third-party information are adhered to

Subject access requests can be made verbally or in writing, although we may ask you to complete a form in order that we can ensure that you have the correct information you require. You do not need to give a reason to see your data. However, you will need to provide proof of identity to receive this information.

Where multiple copies of the same information is requested the surgery may charge a reasonable fee for the extra copies.

If we do hold information about you, through a subject access request, we will:

- Give you a description of it
- Tell you why we are holding it
- Tell you who it could be disclosed to
- Let you have a copy of the information in an intelligible form

If you would like to access your GP records online click here: [https://www.brightonhealthandwellbeingcentre.co.uk/nhs-services/medical\\_records](https://www.brightonhealthandwellbeingcentre.co.uk/nhs-services/medical_records).

### **What is the Right to Know?**

The Freedom of Information Act 2000 (FOIA) gives people a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. You can request any non-personal information that the GP Practice holds, that does not fall under an exemption. You may not ask for information that is covered by the Data Protection Legislation under FOIA. However, you can request this under a right of access request call a 'Subject Access Request' – see section above 'Right of Access to Your Information'.

### **Your Change of Details**

It is important that you tell the surgery if any of your contact details such as your name, address or other communication details have changed, especially if any of your details are incorrect. It is important that we are made aware of any changes immediately in order that no information is shared in error.

### **Your Mobile Telephone Number**

If you provide us with your mobile phone number, we will use this to send you text reminders about your appointments or other health screening information and use it to support or facilitate consultations. Please let us know if you do not wish us to use your mobile telephone in this way.

### **Your Email Address**

Where you have provided us with your email address, with your consent we will use this to send you information relating to your health and the services we provide and use it to support or facilitate consultations. If you do not wish to receive communications by email, please let us know.

### **Notification**

Data Protection Legislation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information. Any changes to this notice will be published on our website and in a prominent area at the Practice.

### **Registration**

We are registered as a Data Controller and our registration can be viewed online in the public register at: <https://ico.org.uk/ESDWebPages/Entry/Z4963600>.

### **Data Protection Champion (Information Governance Lead)**

Should you have any data protection questions or concerns, please contact our Data Protection Champion, Ruby O'Shea (Practice Secretary) via email at [ruby.o'shea@nhs.net](mailto:ruby.o'shea@nhs.net) or phone the practice on 01273 772020.

### **Right to Complain**

If you have concerns or are unhappy about any of our services, please contact Hannah Stakim (Deputy Practice Manager & Complaints Manager) via email at [hannah.stakim@nhs.net](mailto:hannah.stakim@nhs.net) or phone the practice on 01273 772020.

### **Independent Advice**

For independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Phone: 0303 123 1113

Website: <https://ico.org.uk/global/contact-us>

*Privacy notice updated 31<sup>st</sup> May 2021*

*Dr Francis Richards (Caldicott Guardian & GP Partner)*

