



## Practice Privacy Notice

### Your information

This privacy notice explains why we collect information about you, how this data may be used and how we keep it safe and confidential.

<b>Data Controller</b>	Saxonbrook Medical Maidenbower Square Crawley RH10 7QH
<b>Data Protection Officer</b>	Crawley Clinical Commissioning Group (CCG) are in the process of appointing a designated Data Protection Officer (DPO). This notice will be updated with their details once this becomes available. Until this time, Saxonbrook Medical's interim DPO is:  Andre Bento, Practice Manager Saxonbrook Medical Maidenbower Square Crawley RH10 7QH
<b>Caldicott Guardian</b>	Dr Ian Anderson, Senior Partner Saxonbrook Medical Maidenbower Square Crawley RH10 7QH

### Why we collect information about you

Health care professionals 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.

We collect and hold data for the sole purpose of providing healthcare services to our patients.

*"Saxonbrook Medical is a team of skilled people aiming to provide quality healthcare to our local communities in a welcoming environment."*

**Partners: Dr Ian Anderson, Dr Hicham Nakouzi**

Saxonbrook Medical Centre, Maidenbower Square, Maidenbower, West Sussex, RH10 7QH  
Tel: +44 1293 450400, Fax: +44 1293 450419, E-mail [admin.saxonbrook@nhs.net](mailto:admin.saxonbrook@nhs.net), [www.saxonbrook.co.uk](http://www.saxonbrook.co.uk)

In carrying out this role we may collect information about you which helps us respond to your queries or secure specialist services. We may keep your information in written form and/or in digital form. The records may include basic details about you, such as your name and address.

They may also contain more sensitive information about your health and also information such as outcomes of needs assessments.

### **Details we collect about you**

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (eg. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

Records which this GP Practice may hold about you may include the following:

- Details about you, such as your 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

### **How we keep your information confidential and safe**

Everyone working for the NHS is subject to the Common Law Duty of Confidentiality. Information provided in confidence will only be used for the purposes advised with consent given by the patient, unless there are other circumstances covered by the law. The NHS Digital Code of Practice on Confidential Information applies to all our staff and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All our staff are expected to make sure information is kept confidential and receive annual training on how to do this.

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. Your records are backed up securely in line with NHS standard procedures. We ensure that the information we hold is kept in secure locations, is protected by appropriate security and access is restricted to authorised personnel. We also make sure external data processors that support us are legally and contractually bound to operate and prove security arrangements are in place where data that could or does identify a person are processed.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- [Data Protection Act 1998](#)
- [General Data Protection Regulation 2018](#)
- [Human Rights Act](#)
- [Common Law Duty of Confidentiality](#)
- [NHS Codes of Confidentiality and Information Security](#)
- [Health and Social Care Act 2012](#)

- [Access to Health Records Act 1990](#)

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations), or where the law requires information to be passed on.

### **How we use your information**

Under the powers of the Health and Social Care Act 2015, NHS Digital can request personal confidential data from GP Practices without seeking patient consent. Improvements in information technology are also making it possible for us to share data with other healthcare providers with the objective of providing you with better care.

You may choose to withdraw your consent to personal data being used in this way. When we are about to participate in a new data-sharing project we will make patients aware by displaying prominent notices in the Practice and on our website at least four weeks before the scheme is due to start. Instructions will be provided to explain what you have to do to 'opt-out' of each new scheme.

You can object to your personal information being shared with other health care providers but if this limits the treatment that you can receive then the doctor will explain this to you at the time.

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS.

### **Clinical Audit**

Information may be used for clinical audit to monitor the quality of the service provided. Some of this information may be held centrally and used for statistical purposes. Where we do this we take strict measures to ensure that individual patients cannot be identified e.g. the National Diabetes Audit.

### **Clinical Research**

Occasionally your information may be requested to be used for research purposes. The surgery will always gain your consent before releasing any information for this purpose.

### **National Registries**

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

### **Cabinet Office**

The use of data by the Cabinet Office for data matching is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014<sup>1</sup>. This work is carried out by the NHS Counter Fraud Authority<sup>2</sup>

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2014/2/contents/enacted>

<sup>2</sup> <http://cfa.nhs.uk/>

Data matching by the Cabinet Office is subject to a Code of Practice<sup>3</sup>.

### **Risk Stratification**

Risk Stratification is a process for identifying and managing patients who are most likely to need hospital or other healthcare services. Risk stratification tools used in the NHS help determine a person's risk of suffering a particular condition and enable us to focus on preventing ill health and not just the treatment of sickness. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information is available from the following link: <https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/>

If you do not wish information about you to be included in the risk stratification programme, please let us know. We can add a code to your records that will stop your information from being used for this purpose.

### **Individual Funding Request**

An 'Individual Funding Request' is a request made on your behalf, with your consent, by a clinician, for funding of specialised healthcare which falls outside the range of services and treatments that CCG has agreed to commission for the local population. An Individual Funding Request is taken under consideration when a case can be set out by a patient's clinician that there are exceptional clinical circumstances which make the patient's case different from other patients with the same condition who are at the same stage of their disease, or when the request is for a treatment that is regarded as new or experimental and where there are no other similar patients who would benefit from this treatment. A detailed response, including the criteria considered in arriving at the decision, will be provided to the patient's clinician.

### **Invoice Validation**

Invoice validation is an important process. It involves using your NHS number to check the CCG that is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes. We can also use your NHS number to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

### **Supporting Medicines Management**

CCGs support local GP practices with prescribing queries which generally don't require identifiable information. CCG pharmacists work with your practice to provide advice on medicines and prescribing queries, and review prescribing of medicines to ensure that it is safe and cost-effective. Where specialist support is required; this could be to order an essential drug which comes in a form which is not usually prescribed, the CCG medicines management team will confirm this on behalf of the practice to support your care.

### **Safeguarding**

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in some limited circumstances where it's legally required for the safety of the individuals concerned.

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<sup>3</sup> <https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

## **Summary Care Record (SCR)<sup>4</sup>**

NHS England uses a national electronic record called the Summary Care Record (SCR) to support patient care. It contains key information from your GP record. Your SCR provides authorised healthcare staff with faster, secure access to essential information about you in an emergency or when you need unplanned care, where such information would otherwise be unavailable.

Summary Care Records exist to improve the safety and quality of your care. SCR core information comprises:

- Any allergies you may have
- Adverse reactions to medication
- Your current medications.

An SCR with additional information can also include reason for medication, vaccinations, significant diagnoses / problems, significant procedures, anticipatory care information and end of life care information. Additional information can only be added to your SCR with your explicit consent.

Please be aware that if you choose to opt-out of SCR, NHS healthcare staff caring for you outside of this surgery may not be aware of your current medications, allergies you suffer from and any bad reactions to medicines you have had, in order to treat you safely in an emergency.

Your records will stay as they are now with information being shared by letter, email, fax or phone. If you wish to opt-out of having an SCR please return a completed opt-out form to the practice.

## **Enhanced Data Sharing Model (eDSM)<sup>5</sup>**

If you are a registered patient you will have an electronic medical record held on our secure clinical system, which is called SystemOne.

A facility is now available whereby your record can be shared between Saxonbrook clinicians and other health professionals who are involved with your direct care, provided that they also use SystemOne as their clinical system.

There are strict rules about sharing and you will be asked by each provider of care to consent to “sharing in” and “sharing out”.

If you consent your care record held by your GP practice or medical service will be shared with other medical services involved in your care (such as district nursing, health visiting, physiotherapy, podiatry, Out of Hours (OOH) providers in our area, and Crawley Health Centre etc. You will get asked about “sharing in” and “sharing out” just once per

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<sup>4</sup> <https://digital.nhs.uk/services/summary-care-records-scr>

<sup>5</sup> <https://www.tpp-uk.com/wp-content/uploads/2017/03/Information-for-Data-Controllers-on-the-eDSM2.pdf>

provider. You have a choice to say yes or no and can change your mind at a later day too<sup>6</sup>.

If you have not consented to eDSM sharing previously through Saxonbrook and wish to share your record with one of the above providers (for example if you are visiting Crawley Hospital's Minor Injuries Unit), you will need to fulfil a data validation process before this can happen.

Usually this will take the form of a confirmation text to the mobile number we already have on your record. This means that your data sharing choice cannot be overridden without your knowledge and consent, thus protecting your privacy further.

### **Data Retention**

We will approach the management of patient records in line with the Records Management NHS Code of Practice for Health and Social Care<sup>7</sup> which sets the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England, based on current legal requirements and professional best practice.

In practice, this means that patient data will be retained for active use during the life of the patient's registration; we will have no access to new data processed by another surgery should a patient change their surgery. For auditing and validation purposes we will be able to access historic data, which is to say data processed by us, after the deduction of that patient.

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

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

- NHS Trusts / Specialist Trusts
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police
- Other 'Data Processors'.

We will never share your information outside of health partner organisations without your explicit consent unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it or to carry out a statutory function.

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<sup>6</sup> Please be aware that if you choose to opt out of eDSM, this does not opt you out of the Summary Care Record (SCR), this must be requested separately.

<sup>7</sup> <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

Within the health partner organisations (NHS and Specialist Trusts) and in relation to the above mentioned themes – Risk Stratification, Invoice Validation and others, due to the legal basis for sharing information your information will be shared on an ‘implied consent’ basis. Only relevant information will ever be shared, and only in very specific circumstances. Each organisation type has its own Privacy Notice which describe this in more detail.

This means you will need to express an explicit wish not to have your information shared with the other NHS organisations; otherwise they will be automatically shared. We are required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. There are occasions when we must pass on information, such as notification of new births, where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS), and where a formal court order has been issued. Our guiding principle is that we are holding your records in strictest confidence.

If you do not want your information to be used for any purpose beyond providing your care you can choose to opt-out. If you wish to do so, please let us know so we can code your record appropriately. We will respect your decision if you do not wish your information to be used for any purpose other than your care but in some circumstances we may still be legally required to disclose your data.

### **Data Processing of information outside of the UK**

Saxonbrook Medical use staff based in the EU for back-office work such as letter and pathology administration for the purpose of supporting the UK-based staff. All staff members are fully aware of their Information Governance responsibilities and are subject to stringent training and auditing procedures. They are able to process UK-based data through NHS-approved encrypted channels and use only NHS-approved software in their tasks.

Under current Data Protection legislation, no confidential data is permitted to leave the EU.

### **Care Quality Commission (CQC)**

The Care Quality Commission (CQC) is an organisation established in English law by the Health and Social Care Act (2014)<sup>8</sup>.

The CQC is the official regulator for Health and Social Care services based in England and are tasked with ensuring that safe care is provided at all levels of the NHS.

They do this by inspecting all English General Practices in a rolling 5 year program.

English law provides CQC with the authority to access patient-identifiable data and require Practices to share data with them for further review, such as in the wake of a significant event.

A copy of Saxonbrook Medical’s latest CQC inspection in 2016 can be viewed [here](http://www.cqc.org.uk).  
[www.cqc.org.uk](http://www.cqc.org.uk)

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<sup>8</sup> <https://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents>

### **Access to your information**

Under the new General Data Protection Regulation (GDPR) 2018 you have the right to see or have a copy of data we hold that can identify you, with some exceptions. You do not need to give a reason to see your data.

If you wish to access your data you must make the request to us. Under special circumstances, some information may be withheld. If you wish to have a copy of the information we hold about you, please contact the Practice Manager.

You can also view certain aspects of your medical record directly through your online SystmOnline account, which links directly with your electronic medical record. Should you wish to set up a SystmOnline account, please visit the surgery with photographic identification.

### **Correcting your medical record**

Following the review of your medical record, you have the right to query aspects of the medical record with your GP. If any factual inaccuracies are highlighted as a result of this, you have the right to request that these inaccuracies be removed from your record, provided that Saxonbrook Medical's Caldicott Guardian<sup>9</sup> agrees to do so.

There is no provision in English legislation to allow accurate medical information to be removed from a medical record, unless ordered to by a legal sanction.

### **Change of Details**

It is important that you tell us if any of your details such as your name or address have changed or if any of your details are incorrect in order for this to be amended. Please inform us of any changes so our records for you are accurate and up to date.

### **Mobile Numbers & Email Addresses**

If you provide us with your mobile phone number, we may use this to send you reminders about your appointments or other health screening information.

If you provide us with your email address, we may use this to send you reminders to make an appointment for a review.

You have the right to decline such contact via your mobile phone or email.

When sending you text messages directly from our clinical system for security, auditing and integration purposes we will use the encrypted NHSmail messaging system as a conduit, rather than being sent by a mobile phone.

We also use Mjog as an additional messaging service. In terms of messaging, it works in the same way as direct SMS messages, insofar as it uses NHSmail to send the messages, the

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<sup>9</sup> <https://www.gov.uk/government/groups/uk-caldicott-guardian-council>

service allows you to respond to the message allowing you to interact with us without the need to contact us directly. This could be to:

- Cancel an appointment
- Decline an invitation to an appointment or vaccination
- Provide us with further information about your health or experience with us

As they are not directly affiliated with Saxonbrook Medical, Mjog staff have no access to patient-identifiable data.

[Privacy statement for Mjog](#)

## Telephone Calls

All telephone calls made to and by us are recorded. These are kept on an encrypted server and will only be accessed when a call requires further investigation; this could be during a follow up of a complaint or incident investigation.

Our telephone carrier is Daisy<sup>10</sup>, and call recording is conducted by Oak Innovation<sup>11</sup> and Avaya<sup>12</sup>. Neither Daisy, Oak or Avaya staff have access to patient-identifiable data.

## Notification

Saxonbrook Medical is registered with the Information Commissioners Office (ICO) to describe the purposes for which they process personal and sensitive information. We are a registered Data Controller and our registration can be viewed online in the public register at: [http://ico.org.uk/what we cover/register of data controllers](http://ico.org.uk/what_we_cover/register_of_data_controllers) . Any and all significant data breaches by law must be disclosed to the ICO.

## Complaints

If you have concerns or are unhappy about any of our services, please contact the Practice Manager.

You can also contact Healthwatch, who provide independent complaints advocacy support should you feel that you need help in making or escalating a complaint.

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

Tel: 0300 012 122

If you are unsatisfied with our attempted resolution of your concern or complaint, you retain the right to approach the Ombudsman.

Tel: 0345 015 4033

[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

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<sup>10</sup> <https://daisygroup.com/>

<sup>11</sup> <http://www.oak.co.uk/>

<sup>12</sup> <https://www.avaya.com/en/>

For independent advice about data protection, privacy and data-sharing issues, you can contact: The Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF - Phone: **0303 123 1113** Website: [www.ico.gov.uk](http://www.ico.gov.uk) .

### **Further Information**

Further information about the way in which the NHS uses personal information and your rights in that respect can be found here: <https://www.england.nhs.uk/contact-us/privacy/privacy-notice/your-information/>

### **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 the Data Protection Act 1998 and the General Data Protection Regulation 2018.

<http://systems.digital.nhs.uk/infogov/links/nhscrg.pdf>

### **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 programmes available to you, confidentiality, information and your right to complain if things go wrong.

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

### **NHS Digital**

NHS Digital collects health information from the records health and social care providers keep about the care and treatment they give, to promote health or support improvements in the delivery of care services in England.

<http://content.digital.nhs.uk/article/4963/What-we-collect>

### **Reviews of and Changes to our Fair Processing Notice**

We will keep our Fair Processing Notice under regular review. This notice was last reviewed following GDPR implementation in May 2018.

Andre Bento, Practice Manager