****

**PRIVACY NOTICE**

**Our legal basis for processing your data**

Processing is for the direct patient care and GP practices must establish both a lawful basis for processing and a special category condition for processing to comply with the General Data Protection Regulation (GDPR).

The lawful basis for processing is Article 6(1)(e) “necessary in the exercise of official authority vested in the controller” and the special category condition is 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”.

Where disclosures are a legal requirement the lawful basis and special category condition for processing are: Article 6(1)(c) “… for compliance with a legal obligation …” and Article 9(2)(h) “…management of health or social care systems…”

For "performance of a task carried out in the public interest" (Article 6(1)(e) and Article 9(2)(j) "research purposes", the practice will always gain your consent before releasing information.

**How we use your personal information**

Healthcare professionals who provide you with care maintain records about your health and any treatment or care you have received, for example NHS Trusts, GP Surgeries, Walk-in-Centres etc. These records are used to help to provide you with the best possible healthcare.

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

* Details about you, such as your name, address, date of birth, carers, legal representatives and emergency contact details.
* Any contact the surgery has with you, such as appointments, visits, telephone calls 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 look after your personal information during the COVID19 pandemic when staff may need to work from home**

In accordance with government guidance and in order to protect the health and safety of our staff during this difficult period we will be requiring some staff to work from home. This means that staff may have access to any necessary personal and/or medical information in order to look after your healthcare needs.

We would like to assure you that our staff will be subject to all relevant security procedures and policies of the Practice to ensure that any information is kept safe, secure and confidential at all times.

If you have any concerns about how your information may be used please contact our Data Protection Officer who will be happy to assist with your enquiry.

**Changes the Government has made as a result of COVID19**

The health and social care system is facing significant pressures due to the coronavirus outbreak. Health and care information is essential to deliver care to individuals to support health and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations. This addendum to the practice’s privacy notice explains what actions we have taken in more detail

<https://digital.nhs.uk/services/summary-care-records-scr/scr-coronavirus-covid-19-supplementary-privacy-notice>

A further addendum is attached to this Privacy Notice in respect of Pandemic Planning and Research (COVID 19). This is a Transparency Notice from NHS Digital.

**Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person’s risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software, and is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services. Please note that you have the right to opt out of your data being used in this way.

**Medicine Management**

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided to practices within North Yorkshire through NHS Vale of York CCG.

**Disclosures which are required by law or clinical audit requirements**

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 2012 and the 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.

**Disclosures for medical research or health management purposes**

The surgery will always gain your consent before releasing the information for this purpose, the practice contributes to medical research and may send relevant information to medical research databases when consent is obtained and the law allows.

**How do we maintain the confidentiality of your records?**

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

* EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR)
* Human Rights Act 1998
* Common Law Duty of Confidentiality
* Health and Social Care Act 2012
* NHS Codes of Confidentiality, Information Security and Records Management
* Information: To Share or Not to Share Review

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential.

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 (eg life or death situations), where the law requires information to be passed on and/or in accordance with the information sharing principle following Dame Fiona Caldicott’s information sharing review (Information to share or not to share) where “The duty to share information can be as important as the duty to protect patient confidentiality”. This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

**Who are our partner organisations?**

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

* NHS Trusts/Foundation Trusts
* GPs
* NHS Commissioning Support Units
* Independent Contractors such as dentists, opticians, pharmacists
* Private Sector Providers
* Voluntary Sector Providers
* Ambulance Trusts
* Clinical Commissioning Groups
* Social Care Services
* NHS Digital
* Local Authorities
* Education Services
* Fire and Rescue Services
* Police & Judicial Services
* Other “data processors” which you will be informed of

You will be informed who your data will be shared with and in some cases asked for explicit consent for this to happen when required.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure.

**Your rights in relation to your data**

* Right to Access – please see the “access to personal information” section below.
* Right of rectification – right for individuals to have inaccurate personal data rectified.
* Right to object – you have the right to object to the processing of your data at any time.

**Access to personal information**

You have a right under General Data Protection Regulation to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. This is known as “subject access request” (SAR) and in order to request this you need to do the following:

* Your request can be made verbally or in writing to the GP Practice – for information from the hospital or other healthcare provider you should write direct to them.
* No charge will be made to provide the information.
* We are required to respond to you within 30 days of receipt of request.
* You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

**How long data will be retained**

We will hold, protect and maintain your data for as long as the patient/doctor relationship is in place, this will either be until your death or if you decide to move to another GP practice, if you do move your data will follow you.

**Cookies**

Cookies allow websites to, amongst other things, remember if you have logged in or not, remember your preferences and tailor your experience of the website.
We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to meet our customers’ needs and expectations.
You can choose to decline or accept cookies. Most web browsers automatically accept cookies, but you can usually modify your browser settings to decline cookies if you prefer; however, this may prevent you from taking full advantage of the functionality of a website.

**Change of Details**

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

**Notification**

GDPR requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

The information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

This Practice is registered with the Information Commissioners Office (ICO).

**Primary Care Network**

We are a member of two Primary Care Networks - WONE PCN in York and NEXUS PCN in Hull.

This means we will be working closely with a number of other Practices and health and care organisations to provide healthcare services to you.

During the course of our work we may share your information with these Practices and health care organisations/professionals.  We will only share this information where it relates to your direct healthcare needs.

When we do this, we will always ensure that appropriate agreements are in place to protect your information and keep it safe and secure. This is also what the Law requires us to do.

If you would like to see the information the PCN holds about you please contact the data protection officer contact details are shown below.

**Who is the Data Controller?**

The Data Controller, responsible for keeping your information secure and confidential is:

* Haxby Group

**Objections/Complaints**

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared or information managed then please contact the Data Protection Officer at the following addresses:

**York Patients** – please contact:

Data Protection Officer, Haxby Group Practice, Haxby & Wigginton Health Centre, The Village, Wigginton, York YO32 2LL.

**Hull Patients** – please contact:

Barry Jackson, Head of Information Governance, The View, Bridgehead Business Park, HU13 0GD,

If you are still unhappy following a review by the Practice, you can then complain to the Information Commissioners Office (ICO) [www.ico.gov.uk](http://www.ico.gov.uk), telephone 0303 123 1113 (local rate) or 01625 545 745.

**General Practice 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](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/secretary-of-state-directions/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](https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/gpes-data-for-pandemic-planning-and-research).

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](https://digital.nhs.uk/coronavirus/coronavirus-covid-19-response-information-governance-hub/control-of-patient-information-copi-notice) issued to it by the Secretary of State under the Health Service (Control of Patient Information) Regulations 2002 (COPI Regulations).

[Legal notices](https://www.gov.uk/government/publications/coronavirus-covid-19-notification-of-data-controllers-to-share-information) 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](https://digital.nhs.uk/services/data-access-request-service-dars/register-of-approved-data-releases).

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)](https://digital.nhs.uk/coronavirus/gpes-data-for-pandemic-planning-and-research/transparency-notice-gpes-data-for-pandemic-planning-and-research-covid-19).

**National Data Opt-Out**

The application of the [National Data Opt-Out](https://www.nhs.uk/your-nhs-data-matters/) 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](https://digital.nhs.uk/coronavirus/gpes-data-for-pandemic-planning-and-research/transparency-notice-gpes-data-for-pandemic-planning-and-research-covid-19)
* the [NHS Digital Coronavirus (COVID-19) Response Transparency Notice](https://digital.nhs.uk/coronavirus/coronavirus-covid-19-response-information-governance-hub/coronavirus-covid-19-response-transparency-notice)
* the [NHS Digital General Transparency Notice](https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/gdpr/gdpr-register)
* [how NHS Digital looks after your health and care information](https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information)

The active links within this notice can be accessed at:

https://digital.nhs.uk/coronavirus/gpes-data-for-pandemic-planning-and-research/general-practice-transparency-notice?