



## EDEN MEDICAL GROUP

### FAIR PROCESSING & PRIVACY NOTICE

Eden Medical Group has a legal duty to explain how we use any personal information we collect about you, as a registered patient, at this practice. We maintain records about your health and the treatment you receive in electronic and paper format.

#### What information do we collect and use?

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- **'Personal data'** meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, next of kin and NHS number.

#### And

- **'Special category / sensitive data'** such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

#### Lawful basis for processing

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the General Data Protection Regulation (GDPR). Explicit consent under the GDPR is distinct from implied consent for sharing for direct care purposes under the common law duty of confidentiality. The GDPR creates a lawful basis for processing special category health data when it is for the provision of direct care that does not require explicit consent. GP data controllers must establish both a lawful basis for processing and a special category condition for processing.

Eden Medical Group will process your personal and special category data under the following GDPR articles:

- 6(1)(c) – processing is necessary for compliance with a legal obligation.
- 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

- 9(2)(h) – processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of UNION OR Member State law or a contract with a health professional.

## **Data Controller**

As your registered GP practice, we are the data controller for any personal data that we hold about you.

## **Why do we collect your information?**

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests.
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult.
- Perform tasks in the public's interest.
- Deliver preventative medicine, medical diagnosis and medical research.
- Manage the health and social care system and services.

## **How is the information collected?**

Your information will be collected either electronically using secure NHS Mail or a secure electronic transfer over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

## **Who will we share your information with?**

In order to deliver and coordinate your health and social care, we may share information with the following organisations:

- Local GP Practices in order to deliver extended primary care services.
- NHS Hospitals and Trusts.
- 111 and Cumbria Health on Call (CHoC) Out of Hours Service.
- Local Social Services and Community Care services.
- Voluntary Support Organisations commissioned to provide services by Cumbria CCG.
- Carefully selected third party processors to process data on our behalf. These companies have an appropriate agreement in place to ensure that they keep data secure, that they do not use or share information other than in accordance with our instructions. Examples of such companies are those providing IT services and support including clinical systems, data hosting service providers, systems which facilitate appointment bookings and electronic prescription services.

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Your information will not be transferred outside of the European Union.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.

## **Maintaining confidentiality and accessing your records**

We are committed to maintaining confidentiality and protecting the information we hold about you. We adhere to the General Data Protection Regulation (GDPR), the NHS Codes of Confidentiality and Security, as well as guidance issued by the Information Commissioner’s Office (ICO). You have a right to access the information we hold about you, and if you would like to access this information, you will need to complete a Subject Access Request (SAR). Please ask at reception for a SAR form and you will be given further information.

Furthermore, should you identify any inaccuracies, you have a right to have the inaccurate data corrected.

## **Do I need to give my consent?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used. When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice. Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

## **Opt-outs**

You have the right to write to withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing. Please contact Eden Medical Group for further information and to raise your objection.

## **Risk stratification**

Risk stratification is a mechanism used to identify and subsequently manage those patients deemed as being at high risk of requiring urgent or emergency care. Usually this includes patients with long-term conditions. Your information is collected by a number of sources, including Eden Medical Group; this information is processed electronically and given a risk score which is relayed to your GP who can then decide on any necessary actions to ensure that you receive the most appropriate care.

## **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems (such as SystemOne, EMIS and Eclipse) enables your record to be shared with organisations involved in your direct care, such as:

- GP practices.
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services.
- Child health services that undertake routine treatment or health screening.
- Urgent care organisations, minor injury units or out of hours services.
- Community hospitals.
- Palliative care hospitals.
- Care Homes.
- Mental Health Trusts.
- Hospitals.
- Social Care organisations.
- Pharmacies.

In addition, NHS England have implemented the Summary Care Record which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

## **Invoice validation**

Your information may be shared if you have received treatment to determine which Clinical Commissioning Group (CCG) is responsible for paying for your treatment. This information may include your name, address and treatment date. All of this information is held securely and confidentially; it will not be used for any other purpose or shared with any third parties.

## **Complaints**

In the event that you feel Eden Medical Group has not complied with the GDPR, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance in writing to the Operations Manager at:

Eden Medical Group  
Port Road  
Carlisle  
Cumbria  
CA2 7AJ

If you remain dissatisfied with our response you can contact the Information Commissioner's Office via [www.ico.gov.uk](http://www.ico.gov.uk).

### **What to do if you have any questions**

Should you have any questions about this fair processing and privacy notice, or the information we hold about you, you can:

1. Contact the data controller via email at [GP-A82020@nhs.net](mailto:GP-A82020@nhs.net). GP practices are data controllers for the data they hold about their patients.
2. Write to the data controller at Eden Medical Group.
3. Ask to speak to the Operations Manager, Barrie Hyslop, at Eden Medical Group.

The Data Protection Officer (DPO) for Eden Medical Group is Barrie Hyslop, Operations Manager.