

## Practice Privacy Notice

Reviewer: Management Team

Review Date: Jan 2024    Next Review Date: Dec 2024

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# General Practice Privacy Notice

## (Including special provisions under the COVID 19 pandemic)

As a registered patient, Morden Hall Medical Centre has a legal duty to explain how we use any personal information we collect about you at the Practice. We collect records about your health and the treatment you receive in both electronic and paper format.

### Why do we have to provide this privacy notice?

We are required to provide you with this privacy notice by law. It provides information about how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information, or have any other issue regarding your personal and healthcare information, then please contact our Data Protection Officer David Pink via email at [SWLCCG.mordenhallmedicalcentre@@nhs.net](mailto:SWLCCG.mordenhallmedicalcentre@@nhs.net).

The main things the law says we must tell you about what we do with your personal data are:

- We must let you know why we collect personal and healthcare information about you
- We must let you know how we use any personal and/or healthcare information we hold about you
- We need to inform you in respect of what we do with it
- We need to tell you about who we share it with or pass it on to and why
- We need to let you know how long we can keep it for

### Who is the data controller?

Morden Hall Medical Centre is registered as a data controller under the Data Protection Act 2018. Our registration number is [add number] and our registration can be viewed online in the public register at <http://www.ico.gov.uk>. This means we are responsible for handling your personal and healthcare information and collecting and storing it appropriately when you are seen by us as a patient.

We may also process your information for a particular purpose and therefore we may also be data processors. The purposes for which we use your information are set out in this privacy notice.

### The information we hold on you

Information held by the Practice may include the following:

- Your contact details (such as your name, address and email address)
- Details and contact numbers of your next of kin
- Your age range, gender, ethnicity
- Details in relation to your medical history
- The reason for your visit to the Practice
- Any contact we have had with you including appointments
- Notes and reports about your health, details of diagnosis and consultations with our GPs and other health professionals within the healthcare environment involved in your direct healthcare
- Details about the treatment and care received
- Results of investigations such as laboratory tests, x-rays, etc.
- Relevant information from other health professionals, relatives or those who care for you
- Recordings of telephone conversations between yourself and the Practice

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All health related data is seen as 'special category' or 'sensitive data' under the 2018 Data Protection Act which means that it is shared and processed with particular care. This applies to your data whether it is in electronic formats or on paper.

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 dat

### Special Provisions during the COVID 19 pandemic

The NHS faced severe pressure during the pandemic. This made it even more important to share health and care data across relevant organisations.

Using Regulation 3 (4) of the Health Service (Control of Patient Information) Regulations 2002 and related legislation, the Secretary of State for Health has issued a notice (the COPI notice) that required health organisations including GP surgeries, London Ambulance Service, Community Services, local authorities and government bodies to share confidential patient information. Your practice collaborated with other health and care partners to respond to COVID 19 pandemic in the following ways:

- Working with London Ambulance to deliver community paramedic services to Merton registered patients. This is to ensure your practice continues to provide safe, high quality, effective healthcare services to vulnerable populations.
- Has sub-contracted Merton Health Limited (our local GP Federation) to deliver COVID Vaccination Clinics with appointments available from the Wilson Hospital to all Merton registered patients

The Merton Health Workforce Bank used to staff its services are principally drawn from local practices and Merton Residents. All staff are risk assessed, suitably qualified, have undergone mandatory training and are DBS checked. The federation already provide high quality extended access services from 6 practice hubs and are best placed to deliver a vaccination programme of this scale. Their teams will be staffing clinics and helping with call-recall processes. Therefore you may be contacted by a member of their team to book an appointment which may include volunteer call handlers who will clearly identify themselves as such. Their staff will have signed confidentiality disclaimers with your practice when acting in this manner to ensure your personal data is safe, protected and used appropriately. You are not obliged to speak to them or consent to them reviewing your medical record as part of the appointment booking process. If this is the case, please advise them of this and the phone call will be terminated.

There are new services and information flows that have been set up to manage the outbreak. For instance, this practice is part of a Primary Care Network and is part of a 'buddy system' so that if its staff are so affected by the virus, that the practice cannot operate, colleagues from other practices and other organisations can still provide you with care.

All patients registered with a GP have a Summary Care Record (SCR) unless they have chosen not to have one. This record gives professionals in the healthcare system away from your practice access to your information when you need it. If you have expressed a preference to only have core information shared in the Summary Care Record or to opt out of the SCR completely. These preferences will be respected. For all other patients the SCR will be used to share additional information as required. Changes to your opt-out preferences will be suspended and not processed for the duration of the outbreak.

NHS England and NHS Improvement and NHSX have developed a single, secure data-store to gather data from across the health and care system to inform the COVID 19 response.

Any data-flows used to share data specifically to manage COVID 19 during the pandemic will cease once the COPI notice is withdrawn.

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### Why we hold and process your data

We hold and process your data in order to provide you with direct care. Anonymised and pseudonymised patient data, in other words data that cannot be used to identify you is also used to:

- Improve the quality and standard of care that we and other organisations provide
- Researching and developing new treatments
- Preventative treatment of illness and disease
- Monitoring standards of patient safety
- Planning future services.

Further details are provided below. You also have a choice over whether you wish to use your confidential data – i.e. data that CAN be traced back to you for these purposes. If you are content with this then you do not need to do anything. If you are not sure or wish to opt out, please see section on **Opting-Out of Research and Planning** below.

### Who do we share information with?

As GPs, we cannot provide all your treatment ourselves, so we need to delegate this responsibility to others within the practice and with other organisations such as pharmacies or hospitals.

If your care requires treatment outside the practice, we will exchange with those providing such care and treatment whatever information may be necessary to provide you with safe, high quality care. The practice also delivers services and treatment to our patients as part of, and in association with local primary care networks and beyond.

Once you have seen any outside care provider, they will normally send us details of the care they have provided you with, so that we can understand your health and treatment better.

The sharing of data, within the practice and with those others outside the practice is assumed and is allowed by law (including the Data Protection Act 2018) however, we will gladly discuss this with you in more detail if you would like to know more.

We have an overriding responsibility to do what is in your best interests under the 2018 Data Protection Act 'in performance of a public task' (see legal bases in the summary below). The Practice team (clinicians, administration and reception staff) only access the information they need to allow them to perform their function and fulfil their roles. The summary also contains details of your rights in relation to your data under the Act and how to exercise them.

We do share anonymised data with the South West London Clinical Commissioning Group, Merton Health GP Federation and NHS England. This data is extracted by secure data extraction tools such as EMIS Searches.

This practice does NOT share your data with insurance companies, except by your specific instruction or consent.

Your data is NOT shared for any marketing purpose.

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### Communication with Patients

The practice will use your contact details in order to inform you of progress in your treatment or to work with you in managing your health. Because we can communicate and get data to you more quickly and more securely, we prefer to use email and text messaging services. **Please ensure that we have your current email address and mobile telephone so that we can do this.** If you would prefer us NOT to communicate with you in these ways, please let us know.

### Safeguarding and the Caldicott Guardian

The practice is dedicated to safeguarding all its patients, including children and vulnerable adults. This means that information will be shared by the practice in their best interests. Such decisions are the ultimate responsibility of the practice's Caldicott Guardian. The Caldicott Guardian is the senior person - always a doctor and often a partner within a practice- responsible for protecting the confidentiality of people's health and care information. The duty to share data for the benefit of individuals is as important as the duty to protect patient confidentiality and actions taken as a result of safeguarding concerns will override data protection.

### Medicines Management

The practice will conduct reviews of medicines prescribed to its patients. Reviews of this data allow us to test and update our prescribing to ensure that you receive the most appropriate and cost-effective treatments. These reviews may take the form of internal audits or those conducted by the local Medicine Management Team.

### Risk Stratification

Electronic tools of prediction, based upon algorithms and artificial intelligence are used within the NHS to determine a patient's future risks and treatment needs. Wherever we can, we want to prevent admissions to A&E and secondary care which would be otherwise necessary. Such preventative care may, for instance, use these tools to determine the risk and consequence of a future fall in an elderly patient. Under COVID 19 these tools are being used to identify vulnerable patients.

However, under the 2018 Data Protection Act, when the COPI notice described above is withdrawn, you do have the right to opt out of having your data processed in such automated ways. If you wish to opt out of this, please contact the practice.

### Research and Planning

The practice takes part in research that uses anonymised or pseudonymised data. This means that patient data cannot be traced back to individuals and is therefore no longer *personal data* under the 2018 Data Protection Act. You may be contacted by researchers conducting research into specific conditions who wish to use your personal data. In order to include your personal data, these projects require your specific consent.

Anonymised or pseudonymised patient data held by the practice may also be used to evaluate present services that provide direct care or to plan future ones within the practice or across the local area.

Identifiable patient data may be used in planning and managing the response of the NHS to the COVID 19 virus. This will continue until the COPI notice above is withdrawn.

### Data Opt-Outs (The National Data Opt-out) and Your Right to Object.

You cannot opt-out of your data being shared for the purposes of providing you with direct care. You can exercise your right to object to a specific process involving your data. If you wish to do this then you must contact the practice's Data Protection Officer.

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You can opt-out from having your confidential data (i.e. data that can identify you) being used for purposes beyond direct care, such as research and planning. To do this, you can check or change your preferences at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters) on-line and read the information and follow the instructions if you wish to opt out. This opt-out is recorded against your NHS number on the NHS ‘spine’.

There are some situations where your data will be shared in addition to providing you with direct care. These include:

- Situations where data is needed in the “public interest”, e.g. in cases of epidemic where communicable diseases need to be diagnosed and the spread of their infection prevented or controlled;
- To monitor and deliver vaccination programs
- To manage risks of infection from food or water supplies or the environment.

You can find out more about how your patient information is used at <https://www.hra.nhs.uk/information-about-patients/> and <https://understandingpatientdata.org.uk/what-you-need-know>.

Please note that you can change your choice at any time.

This practice is currently compliant with the national data opt-out policy.

**How is your information stored?**

The Practice uses a clinical system provided by a data processor called EMIS. With effect from 10 June 2019, EMIS started storing the Practice EMIS web data in a highly secure, third party cloud hosted environment, namely Amazon Web Services (‘AWS’). They can be contacted via EMIS, Rawdon House, Green Lane, Yeadon, Leeds LS19 7BY

**How long is the information retained?**

The medical record is retained at the patient’s practice for the lifetime of the patient, after which it is sent to Primary Care Services England (PCSE). If you move to another practice your records will be transferred to that practice.

**Summary**

<b>Data Controller</b>	Morden Hall Medical Centre
<b>Data Protection Officer</b>	Please email <a href="mailto:Swlccg.mordenhallmedicalcentre@nhs.net">Swlccg.mordenhallmedicalcentre@nhs.net</a>
<b>Purpose of Processing your personal information</b>	Direct Care delivered to the individual alone, much 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.

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	<p>The information that is shared is to enable the other healthcare and social care professionals to provide the most appropriate advice, investigations, treatments, therapies and or care.</p>
<p><b>Lawful Basis for Processing your personal information</b></p>	<p>The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p>Article 6 (1) (c) – the processing is necessary for compliance with a legal obligation to which the controller (the practice is subject) and/or</p> <p>Article 6(1)(e) ‘...the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</p> <p>Health data is defined as a special kind of personal data and is also processed by the practice under</p> <p>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..’</p> <p>The sharing of your personal data also takes place in accordance with the common law duty of confidentiality. Performance of this duty does not require consent from the patient where the proposed use of their data is either for individual care or in the public interest.</p>
<p><b>Recipient or categories of recipients of your personal data</b></p>	<p>The data will be shared with health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.</p> <ul style="list-style-type: none"> <li>• GPs</li> <li>• Hospitals</li> <li>• Primary Care Network</li> <li>• Local GP provider</li> <li>• NHS Commissioning Support Units</li> <li>• Social Care Services &amp; Health and Social Care Information Centre (HSCIC)</li> <li>• Clinical Excellence Group</li> <li>• Community Pharmacists</li> <li>• District Nurses</li> <li>• Independent Contractors such as dentists, opticians, pharmacists</li> <li>• Private Sector Providers</li> </ul>

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	<ul style="list-style-type: none"> <li>• Voluntary Sector Providers</li> <li>• Ambulance Trusts</li> <li>• Clinical Commissioning Groups</li> <li>• Local Authorities</li> <li>• Education Services</li> <li>• Fire and Rescue Services</li> <li>• Police &amp; Judicial Services</li> <li>• The Child Health Information Service</li> <li>• Substance Misuse Remote Workers</li> <li>• London Coroner’s Service</li> <li>• Voluntary Sector Providers such as Age UK Sutton</li> <li>• Private Sector Providers</li> <li>• Social Prescribers</li> </ul> <p>Many organisations across South West London and neighbouring counties have agreed to share data using Connect your Care 2 as a system in common. This provides an aggregated summary view of your patient information to allow organisations to make quicker and better informed decisions in caring for you. Further information is available at <a href="http://www.swlondon.nhs.uk">www.swlondon.nhs.uk</a> &gt; <a href="#">our work</a> &gt; <a href="#">connectingyourcare</a></p> <p>This practice is also part of a Neighbourhood Multi-Disciplinary Team based within the Morden Primary Care Network designed to bring together a number of service providers to help patients with more than one need.</p>
<p><b>Your right to object</b></p>	<p>You have the right to object to some or all of the information being processed, which is detailed under Article 21. Exercising your right to object may well prevent the referral or course of treatment from going ahead.</p> <p>Please contact the practice’s Data Protection Officer at <a href="mailto:Swlccg.mordenhallmedicalcentre@nhs.net">Swlccg.mordenhallmedicalcentre@nhs.net</a></p> <p>You should be aware that this is a right to raise an objection, this is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<p><b>Your right to access and correction</b></p>	<p>You have the right to access your data and to have any inaccuracies corrected.</p> <p>There is no right to have your medical records deleted except when ordered by a court of Law.</p>
<p><b>How long do we hold your personal data for?</b></p>	<p>We retain your personal data in line with both national guidance and law, which can be found here:</p> <p><a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a></p>

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<p><b>Your right to complain</b></p>	<p>If you have a question or wish to complain about the use of your data, you should approach the Practice Manager or contact the Data Protection Officer at: <a href="mailto:Swlccg.mordenhallmedicalcentre@nhs.net">Swlccg.mordenhallmedicalcentre@nhs.net</a></p> <p>The use of personal data is overseen by the Information Commissioners Office, often known as the ICO.</p> <p>If you wish to complain or raise a concern with the ICO, they can be contacted via their website: <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>Or you can also call their helpline</p> <p>Tel: 0303 123 1113 (local rate) 01625 545 745 (national rate)</p> <p>Or you can write to them at</p> <p>The ICO, Wycliffe House, Water Ln, Wilmslow SK9 5AF</p>
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