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Patient Privacy Notice

Your Information, Your Rights

Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The following notice reminds you of your rights in respect of the above legislation and how Southport & Formby Health Ltd will use your information for lawful purposes to deliver your care and the effective management of the local NHS system.

This notice reflects how we use information for:

* The management of patient records
* Communication concerning your clinical, social and supported care
* Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review
* Participation in health and social care research, and
* The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future

**Data Controller**

Southport & Formby Health Ltd is the data controller for any personal data that we hold about you.

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

Your health care records contain information about your health and any treatment or care you have received previously (for example, from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

Why do we collect this information?

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on health care providers 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, medical research, and
* Manage the health and social care system and services

Legal Basis for Processing your Personal Information

We need to know your personal, sensitive, and confidential data so that we can provide you with health care services as a health care provider.  Under the new rules called General Data Protection Regulation (GDPR) there are different reasons why we may process your data, we mostly rely upon:

Personal data:

* *Article 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.

* *For personal data including special category (health) data: Article 9.2(h):*

Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care systems and services based on Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

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?

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

* Local GP Practices in the delivery of extended primary care services
* NHS providers, such as Southport & Ormskirk Hospital NHS Trust, Liverpool University Foundation Trust, Liverpool Heart & Chest Hospital, Renacres Hospital, and any other local NHS provider service
* NHS111 and Out of Hours Service
* Local Social Services and Community Care services, including the Integrated Care Team.
* Notification of a care plan with your consent, to North-West Ambulance Service (NWAS). NWAS uses the ERRIS system to alert them to the presence of care plans or medical conditions of patients when responding to an emergency call. Details of medical conditions and end of life palliative care can be entered into ERISS and is available to the dispatch system. [ERRIS](https://www.nwas.nhs.uk/services/professionals/eriss/)
* Voluntary support organisations commissioned to provide services by Southport and Formby CCG
* MJOG messenger, a text communication service to remind you of your appointments and relevant health campaigns with the ability to cancel and review the service we have provided.

Mandatory disclosures of information

We are sometimes legally obliged to disclose information about patients to relevant authorities. In these circumstances, the minimum identifiable information that is essential to serve that legal purpose will be disclosed. That organisation will also have a professional and contractual duty of confidentiality. Data will be anonymised if possible before disclosure if this would serve the purpose for which the data is required.

Organisations that we are sometimes obliged to release information to include:

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| * NHS Digital | * NHS England |
| * Southport & Formby CCG | * Public Health England |
| * Local Authorities | * NHS Counter Fraud |
| * The Police Service | * The Courts |
| * The Care Quality Commission | * The Health Service Ombudsman |
| * The General Medical Council | * HM Revenue and Customs |
| * The Driver & Vehicle Licensing Agency |  |

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.

Third party processors

When we use a third- party service provider to process data on our behalf we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. An example of functions that may be carried out by third parties includes:

* Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
* The systems that are contracted to maintain and store on our behalf are:

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| EMIS Health | Clinical System |
| Lexacom | Digital dictation solution |
| Docmail | Mailing management System |
| Mittel | Phone system |
| AccuRx | SMS Text Messaging |

The safety and availability of your data is our utmost concern, and we are confident that this approach will improve data security, integrity, and performance.

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 our service can provide appropriate care.

In addition, we receive data from NHS Digital as directed by the Department of Health such as disease prevalence to assist us to improve “out of hospital care”.

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information that has been collected lawfully. Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

Consent and Objections

Do I need to give my consent?

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. We therefore 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.

Southport and Formby Health will contact you if we 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.

What will happen if I withhold my consent or raise an objection?

You have the right to write to withdraw your consent to any time for any instance of processing, provided consent is the legal basis for the processing. Please contact Southport & Formby Health for further information and to raise your objection, at: [sf.health@nhs.net](mailto:sf.health@nhs.net)

Sharing of Electronic Patient Records within the NHS

Electronic patient records are kept in most places where you receive health care. Our local electronic systems is EMIS Clinical Services, which enable your record to be shared with organisations involved in your direct care, such as your GP practice.

Your Right of Access to Your Records

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”. If you would like to have access to records held by Southport & Formby Health Ltd, you can speak to the service itself or make a request in writing to: the Business Manager, at: [sf.health@nhs.net](mailto:sf.health@nhs.net)

However, you should be aware that some details within your health records may be exempt from disclosure in the interests of your wellbeing or to protect the identity of a third party.

National Data opt out

Health and care organisations have until March 2022 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. This applies mostly to your own GP record. To find out more or to register your choice to opt out, please visit: [your NHS data](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 own opt-out setting
* Find the contact telephone number if you want to know any more or to set/change your own 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:

[Patient Information and health Care Research](https://www.hra.nhs.uk/information-about-patients/) (which covers health care research), and

[Understanding Patient Data](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.

Complaints

If your feel Southport & Formby Health Ltd has not complied with the current data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in writing to the Governance Director at:

Southport & Formby Health Ltd,

Office Address

12 Church Street

Southport

PR9 0QT

If you remain dissatisfied with our response you can contact the Information Commissioner’s Office at:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wimslow

Cheshire

SK9 5AF

Enquiry Line: 01625 545700

or online at: [Information Commissioners Office](https://ico.org.uk/)

Southport & Formby Health Ltd is registered as a data controller under the Data Protection Act 1998. Registration number: **ZA204401**

Our registration can be viewed on-line in the public register: [ICO Public Register](https://ico.org.uk/ESDWebPages/search/)