

Lathom Road Medical Centre

Practice Privacy Policy



A. Confidentiality Notice

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2. Introduction

2.1 Policy Statement

NHS England collects information with the purpose of improving health and care for everyone. The information collected is used to:

- Run the health service
- Manage epidemics
- Plan for the future
- Research health conditions, diseases and treatments

NHS England is a data controller and has a legal duty, in line with the UK General Data Protection Regulation (UK GDPR), to explain why it is using patient data and what data is being used. Similarly, Lathom Road Medical Centre has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

All staff should be aware of the practice privacy notice and be able to advise patients, their relatives and carers what information is collected, how that information may be used and with whom the organisation will share that information.

The first principle of data protection is that personal data must be processed fairly and lawfully. Being transparent and providing accessible information to patients about how their personal data is used is a key element of the UK GDPR.

2.2 Status

The organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the [Equality Act 2010](#). Consideration has been given to the impact this policy might have regarding the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment. Furthermore, this document applies to all employees of the organisation and other individuals performing functions in relation to the practice such as agency workers, locums and contractors.

3. Your Data and Personal Information

In order to comply with data protection legislation, this notice has been designed to inform

you of what you need to know about the personal information we process. This is your assurance that we are complying with our legal obligation to you and a good opportunity for you to understand or exercise your information rights.

We are legally required to tell you:

- What personal information we use
- Why we need your personal information.
- The lawful basis for processing your personal information i.e. legitimate reasons for collecting, keeping, using and sharing it
- How we use, store, protect and dispose of your personal information
- How long we keep it for and who we may share it with
- About your information rights
- How to report a complaint or concern

3.1 Your Personal Information

When we say personal information, we are referring to any information that can identify a specific person, either on its own or together with other information. The obvious examples are name, address and date of birth; however, this could include other forms of data, such as email address, car registration, specific physical feature, NHS number, pictures, images and so forth.

Most of the personal information we process is confidential or sensitive because of the nature of our business activities (health and social care). This could be used in a discriminatory way and is likely to be of a private nature, so greater care is needed to ensure this is processed securely. Confidential or sensitive information includes the racial or ethnic origin of the data subject, political opinions, religious beliefs or other beliefs of a similar nature, Trade Union membership, physical or mental health or condition, sexual life, commission, alleged commission of or proceeding for any offence.

Anonymised data is not personal information. This is any information that cannot reasonably identify you, so it cannot be personal, confidential or sensitive. Anonymisation requires the removal of personal information that might identify you.

The personal information we collect may be used for any of the following specific purposes:

- Health care for patients – diagnosis, treatment and referral
- Accounting, financial management and auditing
- Education and training
- Consultancy and Advisory services
- Human resources and staff administration
- Crime prevention and prosecution
- Health administration and services management
- Business activity information and databank administration
- Contractual arrangements for data processing by third parties

- Occupational Health referrals
- Research, national surveys
- Security services e.g. CCTV monitoring, confidentiality audits

Without your personal information, we cannot:

- Direct, manage and deliver the health care you may require
- Ensure we have accurate and up to date information to assess and provide what you require
- Provide the appropriate level of assistance or adequate guidance
- Refer you to a specialist or another service
- Protect the general public or promote public health
- Manage, develop or improve our services
- Investigate complaints or proceed with legal actions for claims
- Employ you to join our workforce
- Procure products and services
- Commission business activities
- Comply with a court order
- Comply with regulatory requirements
- Meet some of our legal obligations
- Compile statistics to review our performance
- Educate and train our workforce
- Undertake clinical trials and research studies you have consented to
- Complete occupational health checks you have consented to
- Keep you and other service users safe on our premises

4. Lawful Basis for Processing your Personal Information

4.1 UK GDPR

The background to the UK GDPR was that in May 2018, GDPR replaced the Data Protection Directive 95/46/EC and was designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way in which organisations across the region approach data privacy.

Post-Brexit, in January 2021, the GDPR became formally known as UK GDPR and was incorporated within the [Data Protection Act 2018](#) (DPA18) at Chapter 2.

In accordance with the UK GDPR, this organisation will ensure that information provided to subjects about how their data is processed will be:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge

DPA18 will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

4.2 Article 5 compliance

In accordance with Article 5 of the UK GDPR, this organisation will ensure that any personal data is:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay
- Kept in a form that permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage by using appropriate technical or organisational measures

Article 5 also stipulates that the controller shall be responsible for, and be able to demonstrate compliance with, the above.

For clarity, a data controller is the entity that determines the purposes, conditions and means of the processing of personal data, whereas a data subject is a natural person whose personal data is processed by a controller or processor.

Please note: You do have the right to say 'NO' to our use of your personal information, but this may have an impact on our ability to provide appropriate care or services. Please speak a member of the Practice or our Data Protection Officer.

We never use your personal information for advertising, marketing and public relations or insurance purposes without your consent.

5.Retention and Disposal of Personal Information

Your personal information may be written down (manual), digitised or held on computers (electronic) centrally within or outside of the Practice. These may be paper records, scans, photographs, slides, CCTV images, microform (i.e. fiche/film), audio, video, emails, computerised records on IT systems, or scanned documents etc. which we process securely in accordance with data protection legislation and store in conjunction with the Records Management code of Practice. - [Records Management Code of Practice 2016](#)

6.Keeping your Personal Information Safe

We are committed to keeping your information secure and have operational policies, procedures and technical measures in place to protect your information whether it is in a hardcopy, digital or electronic format.

We are registered to the Information Commissioner's Office: registration number: **Z1064350**

Mandatory training and regular audits are in place to ensure that only authorised personnel with the absolutely necessary need to know your personal information can use it.

When there are data protection breaches (for example - unauthorised access, inappropriate use, failure to secure and keep personal information secure or accurate), these are reported and investigated, with appropriate action (disciplinary, legal, lessons learned, re-training etc.) taken.

7. Sharing Personal Information

We may need to share your personal information with another organisation e.g. NHS organisations, health and social care organisations, public bodies (Social Services, Probation Service, Police, Regulatory Authorities) or third-party providers commissioned to process personal information on our behalf.

This is because of our duty to share which is equally as important as our duty of confidentiality. We may also share your personal information for planning services across the NHS. This is vital to delivering better healthcare and improving our services.

You have the right to say no and to opt out of or restrict this sharing. Your right to opt out for reasons other than direct care (e.g. planning and research purposes) is managed through the National Data Opt-Out Programme (search online or contact NHS Digital on 0300 303 5678 to find out more).

7.1 General Practice data sharing for Planning and research

7.1.1 About

This data collection will help the NHS to improve health and care services for everyone by collecting patient data that can be used to do this.

The [GDPR](#) is designed to help the NHS to:

- Monitor the long-term safety and effectiveness of care
- Plan how to deliver better health and care services
- Prevent the spread of infectious diseases
- Identify new treatments and medicines through health research
-

7.1.2 Data sharing

Data may be shared from GP medical records for:

- Any living patient registered at a GP practice in England when the collection started. This includes children and adults
- Any patient who died after this data sharing started and was previously registered at a GP practice in England when the data collection started

NHS England will not share the patient's name or demographic details.

Any other data that could directly identify the patient will be replaced with unique codes which are produced by de-identification software before the data is shared with NHSE including:

- NHS number
- General Practice Local Patient Number
- Full postcode
- Date of birth

This process is called pseudonymisation and means that no one will be able to directly identify the patient in the data.

It should be noted that NHSE will be able to use the same software to convert the unique codes back to data that could directly identify the patient in certain circumstances, and where there is a valid legal reason.

For further reading, refer to the NHSE webpage titled [About the GDPR programme](#).

7.1.3 What information can and cannot be shared

NHSE will collect structured and coded data from patient medical records including:

- Data about diagnoses, symptoms, observations, test results, medications, allergies, immunisations, referrals, recalls and appointments including information about physical, mental and sexual health
- Data on sex, ethnicity and sexual orientation
- Data about staff who have treated patients

NHSE will not collect:

- Name and address (except for postcode, protected in a unique coded form)
- Written notes (free text), such as the details of conversations with doctors and nurses
- Images, letters and documents
- Coded data that is not needed due to its age – for example medication, referral and appointment data that is over 10 years old
- Coded data that GPs are not permitted to share by law – for example certain codes about gender re-assignment

Further reading can be sought from the NHSE webpage titled [Looking after your data](#).

7.1.4. Opting out

Primary care organisations have been required to honour the National Data Opt-out (NDO-O) since 31 July 2022 and practices should now be complying with the NDO-O unless there is a specific reason not to do so.

This means that patients who do not want their identifiable patient data to be shared for purposes except for their own care can opt-out by registering to [Type 1 opt-out](#) or, set out their data opt-out choice via the [national data opt-out \(NDO-O\)](#).

[Patients can do both](#).

Further reading can be found in NHS E webpage titled [Compliance with the national data opt-out](#)

8. Your Information Rights

You have the right to:

- Be informed about the processing of your personal information by the Practice (done through this notice)
- Access the information we hold about you (paper, digital or electronic copies)
- Ask the Practice to correct or complete your personal information
- Ask the Practice to erase your personal information under certain circumstances, if the Practice does not have a lawful basis to process it
- Ask the Practice to restrict the processing of your personal information under certain circumstances

- Ask the Practice to move, copy and transfer your personal information which you have provided to the Practice, in a portable, commonly used/machine readable format and securely, for your own purpose
- Ask us not to process your personal information
- Ask us not to use your personal information for public interests, direct marketing, automated decision-making, profiling, research or statistical purposes
- Receive a response to your access or change request within a calendar month

9. Communicating privacy information

A privacy notice is to provide a statement that discloses some or all the ways in which the organisation gathers, uses, discloses and manages a patient's data, its purpose it to fulfil a legal requirement to protect a patient's privacy.

At this organisation, this privacy notice is displayed on our website, through signage in the waiting room and in writing during patient registration. We will:

- Inform patients how their data will be used and for what purpose.
- Allow patients to opt-out of sharing their data, should they so wish.

10. National data opt-out programme

The national data opt-out programme affords patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used solely for their individual care and treatment or also used for research and planning purposes.

NHSE have provided a document titled [Understanding the national data opt-out](#).

Patients who wish to opt-out of data collection can register a national data opt-out. Further reading can be found at this NHSE webpage titled [Setting or changing a national data opt-out choice](#). This includes information regarding children and their privacy.

This organisation has proved compliance by publishing the organisational privacy notice and submitting the Data Security and Protection Toolkit assessment.

Further information about opting out can be found in the NHS England webpage titled [Make a choice about sharing data from your health records](#).

11 Patients in secure settings

There are special arrangements for patients in prison or other similar secure settings known as detained and secure estates. A health and care professional can help register a patients opt-out choice.

Further reading can be found at the NHS E webpage titled [Guidance for detained and secure estates](#).

12. Requests for information

Please complete a Request for Access to Records form on our website. We will require proof of identity before we can disclose any personal information.

13. Report Complaint or Concern

We try to meet the highest standards when processing personal information. You should let us know when we get something wrong.

The Practice has a [Data Protection Officer](#) (DPO). The role our DPO is to examine our information handling practices and ensure we operate within the law.

These services are provided by DPD Support service, and we can contact the service by itservicedesk.nelicb@nhs.net or phone them on 0800 917 8607. He can only assist with complaints about your personal information. All other complaints should be directed to the Practice.