

**John Tasker House Surgery
&
Felsted Surgery**

FAIR PROCESSING NOTICE

How we use information about you

We are committed to protecting your rights to confidentiality

We are committed at all times to protecting your privacy and will only use information ethically and lawfully in accordance with the Data Protection Act 1998, the Human Rights Act 1998 and the common law duty of confidentiality.

All NHS organisations have to follow the principles and values set out in the [NHS Constitution](#) when using and sharing confidential personal information.

The following information explains why we use information, who we share it with, how we protect your confidentiality and your legal rights and choices.

We want patients to understand:

- How GPs use and share your information
- Your health record, what it contains and how you can access it
- When you can choose to opt-out of your personal information being collected or shared and what this will mean to you.

Sharing and Consent

Your personal information will only be shared in accordance with your rights under the Data Protection Act 1998, the Common Law duty of confidentiality, the NHS Constitution and in keeping with professional and NHS Codes of Practice.

The HSCIC has published a [guide to confidentiality in health and social care](#) that explains the various laws and rules about the use and sharing of confidential information.

Safe and effective care is dependent upon relevant information being shared between all those involved in caring for a patient. When an individual agrees to being treated by the wider care team, it creates a direct care relationship between the individual patient and the health and social care professional and their team.

In this situation, staff will assume the individual's agreement to relevant confidential information being shared by the care team. This is referred to as "implied consent", which means that information is shared without the individual having to give verbal or written agreement each time and only applies within the context of direct care.

Unless there is a lawful basis such as s251 support, explicit consent is required to share personal information for in-direct care purposes. Please see section below on how we use information provided by the HSCIC for further details on s251 support. Indirect care is defined as "activities that contribute to the overall provision of services to a population as a whole or a group of patients with a particular condition, but which fall outside the scope of direct care. It

covers health services management, preventative medicine, and medical research. Examples of activities would be risk prediction and stratification, service evaluation, needs assessment, financial audit”.

Explicit consent is given in writing or verbally, or conveyed through another form of communication such as signing.

You have the right to withhold consent to share your information for both direct and indirect care purposes, but please be aware that not sharing for direct care purposes may adversely affect the care you receive, this would be explained to you by your clinician if you ask them not to share your information. In some circumstances other duties or obligations to share information outweigh confidentiality, and personal information is shared without consent, for example to ensure the safety of a child or vulnerable adult to report a notifiable disease. Always consult your GP or relevant health professional before deciding to withhold consent to sharing your information, as they will be able to advise you on the possible outcomes of this decision.

Unless there is a lawful basis such as s251 support, your information will be used in a de-identified or anonymised form for purposes other than direct care, such as statistical and analytical information needed to assist the CCG, the NHS, Department of Health and health care partners.

Sharing information with other organisations

We will only share anonymised statistical information (information that cannot be tracked back to an individual) with other NHS and partner organisations to help them improve local services, carry out research or audits, and improve public health.

We would not ordinarily share information about you unless you have given your permission. There may however be circumstances where we are required by law to report certain information to the appropriate authorities. This may be to prevent fraud, protect children and vulnerable adults from harm, or where a formal court order has been served requiring us to do so.

In these cases, permission to share must be given by our Caldicott Guardian, who is the responsible for ensuring the protection of confidential patient and service user information. We are obliged to tell you that we have shared your information unless doing so would put you or others at risk of harm.

Confidentiality

Everyone working for the NHS has a legal duty to keep information about you confidential.

The [NHS Care Record Guarantee](#) is a commitment that all NHS organisations (and other organisations which provide NHS-funded care) will use your records in ways that respect your rights and promote your health and wellbeing.

The [NHS Constitution](#) establishes the principles and values of the NHS in England. It provides a summary of your legal rights and contains pledges that the NHS is committed to achieve, including certain rights and pledges concerning your privacy and confidentiality.

A Caldicott Guardian is a senior person responsible for protecting the confidentiality of a patient's information and enabling appropriate information-sharing. Each NHS organisation is required to have a Caldicott Guardian.

The Caldicott Guardian for John Tasker House Surgery is Dr Tom Robson.

How we use information about your health and care

Your GP keeps information about your health and the care and treatment you receive in your health record. This information is used by your doctor, nurse and other healthcare professionals to assess your health and, together with you, decide the appropriate care for you.

With your agreement, your GP may refer you to other services such as community care, Out of Hours or hospital. Your GP will share information about you only with the healthcare professionals involved in providing your care. Other services and health care providers will normally tell your GP surgery about the treatment they provide you and your GP or nurse will include this in your record. Further details can be found below in the section on Sharing & Consent.

You have the right to see information your GP practice holds about you. They may charge for this. Please ask them about this

It may also be necessary to share your information with non-NHS services or health providers but only in accordance with the rights of the individual and statutory obligations or by law.

Your Health Record

Your health record may be held in different formats, hand written (manual record) or held on computer (electronic). Collectively known as your “health record”, this will include;

- personal information, i.e. your address, date of birth and NHS number
- your health history
- contacts you have had with healthcare services, i.e. clinic visits, doctors’ appointments, hospital admissions
- notes, reports and decisions about your treatment and care
- results of tests, i.e. X-rays, blood tests or scans

And may also include:

- information from other health professionals, relatives or carers
- information from social care services if they have been involved with your care
- information about close relatives where there is a family history of a particular condition
- other information relevant to your health and wellbeing e.g. personal, family or work issues etc.

Your care providers will endeavour to ensure that your health record is kept up-to-date, accurate and secure and appropriately accessible to those providing your care and treatment.

How you can access your information

You have a right to see your health record.

An application to access your health record is known as a Subject Access Request.

If you wish to see your health record:

- Your request must be made in writing to the Practice Manager.
- You will need to provide details to enable us to verify your identity and locate your health records.
- It will assist us if you are able to specify what it is within your record you want to see.
- There may be a charge to have a printed copy of the information held about you (maximum cost £50).
- Facilities may be available to allow you to view parts of your health record via computer.

- It is important that you are aware there may be circumstances when information within your health record may be limited or withheld, for example, when it is in reference to a third party or where there is a concern that access would be harmful for your well-being or the well-being of others.

Further information about your rights and how to request your personal information is available on the Information Commissioner's website:

http://ico.org.uk/for_the_public/personal_information

Sharing Information

Other NHS organisations

There may be circumstances where it is necessary to share information about you with other authorities, for example, when required by law, court order or where there are specific concerns about a vulnerable adult or child or to report a notifiable disease.

National services

There are national services such as the National Cancer Screening Programme that collect and hold information from across the NHS in order to contact you about services such as cervical, breast or bowel cancer screening.

Although these services are beneficial to your health and wellbeing, often you have the right not to allow these organisations to have your information.

If you have any concerns please contact the Practice, or see the "Your Rights" section for further information.

You can find out more about how the NHS holds and shares your information for national programmes on the [NHS Choices](#) website.

Health research

The surgery is actively involved in research. If your GP thinks you may be suited to a research programme, they will contact you to ask if you would like to participate. The practice will never pass on your personal details to a researcher without your knowledge and consent.

Your rights

You have certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal information we hold about you. You have the right to privacy and to expect the NHS to keep your information confidential and secure.

You also have a right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered. These commitments are set out in [the NHS Constitution](#).

If you do not want your personal information being shared and used for purposes other than your care and treatment, then you should contact the practice and ask for further information about how to register your objections. This should not affect the care and treatment you receive. See section on Patient Control of Information for further details.

Patient control of information

You may want to prevent confidential information about you from being shared or used for any purpose other than providing your care.

There are two choices available to you:

- You can object to information about you leaving the practice in an identifiable form for purposes other than your direct care, which means confidential information about you will not be shared with the CCG, the Health and Social Care Information Centre (HSCIC) or other organisation for any non-direct care purpose. This is referred to as a 'type 1' objection; In addition
- You can object to information about you leaving the HSCIC in identifiable form, which means confidential information about you will not be sent to anyone outside the HSCIC. This is referred to as a 'type 2' objection.

Information from other places where you receive care, such as hospitals and community services is collected nationally by the Health and Social Care Information Centre.

If you do not want information that identifies you to be shared outside the practice and/or the HSCIC, please speak to a member of staff at the practice to ask how to “opt-out”.

The practice will add the appropriate code to your records to prevent your confidential information from being used for non-direct care purposes. Please note that these codes can be overridden in special circumstances required by law, such as a civil emergency or public health emergency.

In both cases, it is still necessary for the HSCIC to hold information about you in order to ensure data is managed in accordance with your expressed wishes. Please see [“Patient Objections Management”](#) on the HSCIC website for further information.

If you have questions about this, please speak to staff at the practice, check the HSCIC [frequently asked questions](#), or call their dedicated patient information line on 0300 456 3531.

Contact us

If you have any questions or concerns about how we use your information, please contact us at:

John Tasker House Surgery

56 New Street,

Great Dunmow,

Essex

CM6 1BH

01371 872121

Further information

Below are links to more information about your rights and the ways that the NHS uses personal information:

The [NHS Care Record Guarantee](#) and the [NHS Constitution](#), which govern the way in which the NHS uses patient confidential information

The Health and Social Care Information Centre (HSCIC) [Guide to confidentiality in health and social care](#)

The Independent Information Governance Oversight Panel – the panel advising the Secretary of State on information governance matters across the health and social care system. Includes links to the Independent Information Governance Review conducted in 2012 and the Government's response:

<https://www.gov.uk/government/groups/independent-information-governance-oversight-panel>

Section 251 and the [Confidentiality Advisory Committee](#), who provide independent expert advice to the HRA (for research applications) and the Secretary of State for Health (for non-research applications) on whether applications to access patient information without consent should or should not be approved.

[NHS England advice for CCGs and GPs on information governance and risk stratification](#)
[Health and Social Care Information Centre](#)

[The Information Commissioner](#) (the Regulator for the Data Protection Act 1998, who can offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information)