



## **RIVERBANK MEDICAL PRACTICE**

### **GENERAL DATA PROTECTION REGULATION – PRIVACY NOTICE**

#### **Background**

The General Data Protection Regulation (GDPR) comes in to force on 25 May 2018, superseding the current Data Protection Act (1998).

Under the terms of the new GDPR, Riverbank Medical Practice has a legal duty to explain to patients by means of a privacy notice what personal data is held about them and how it is collected and processed.

#### **How we obtain your personal data**

##### **Information provided by you**

You provide us with a range of personal data when you register including your name, address, date of birth, landline phone number, mobile phone number and email address.

We may also keep information contained in any correspondence or conversations you may have with us.

##### **Information collected from other sources**

By registering with the Practice, you consent to your medical history from your previous practice(s) being sent to us. The provision of this information is necessary so we can deliver informed personal care and medical treatment.

We often get information from hospitals, pharmacies and other medical practitioners to whom you will already have submitted your personal data.

We will collect records of appointments, visits, telephone calls, treatment and medications, test results, x-rays and any other relevant information.

### **How we use your personal data**

In order to provide for your care, we need to collect and keep information about you and your health on our records. Your records are used to:

- Provide a basis for all health decisions made by care professionals with and for you;
- Make sure your care is safe and effective;
- Work effectively with others providing you with care.

We use your information to make appointments, generate prescriptions, electronically file hospital and clinic records, and provide test results as requested by you. We will only access your medical information when we have a legitimate or clinical reason in order to perform our duties. We use your information to provide you with care and medical treatment.

Your mobile phone number is used to send you text reminders where you have opted in. We may share your mobile phone number with other healthcare professionals involved in your care.

If you have provided your email address we may communicate with you in that way.

We undertake to protect your personal data in a manner which is consistent with our duty of confidentiality and the requirements of the General Data Protection Regulation.

We will also take all reasonable measures to protect your personal data stored in paper files and on our electronic system.

## Sharing information

Your personal data is collected for the purpose of providing direct patient care. However we can disclose this information if it is required by law, if you give consent or if it is justified to be in the public interest.

We will keep information about you confidential and will only disclose any information with third parties if it's in your best interests to do so. When we share your personal information it will be appropriate, relevant and proportionate to the circumstances. Others who may ask to access your information could include:-

- **Courts** who can insist that we disclose medical records to them.
- **Solicitors** often ask for medical reports. These will always be accompanied by your signed consent for us to disclose information.
- **Social Services** – The Benefits Agency/DWP and others may require medical reports on you from time to time. We will need sight of your signed consent before we provide any information to them.
- **Life Assurance Companies/Employers/Occupational Health Doctors** ask for medical reports on prospective clients. These are always accompanied by your signed consent form. We will only disclose the relevant medical as per your consent.

We may share your data with others including healthcare professionals and staff in the Practice, NHS Highland/local hospitals, Accident & Emergency, Out of Hours services, diagnostic and treatment centres, and/or other organisation involved in the provision of direct care to individual patients. For example, we might give your mobile phone number to a hospital which wishes to contact you about an appointment, share information when you are referred to a consultant or send details about your prescription to your chosen pharmacy.

With your written or verbal consent, we will share information about you with a named person of your choice, for example, a carer, member of your family, close friend.

Information shared with solicitors and insurance companies is only done so when we are sure you have given your express consent.

We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.

All patients who receive NHS care are registered on a national database and this holds your name, date of birth and NHS number only. The database is held by NHS National Services Scotland, which is a national organisation which has legal responsibilities to collect NHS data and can be found here <https://nhsnss.org/>

### **Scottish Primary Care Information Resource (SPIRE)**

NHS Scotland uses information from GP patient records to help plan and improve health and care services in Scotland. You have a choice about the information from your GP records being used in this way. You can opt out from this at any time by contacting the Practice.

### **Emergency Care Summary (ECS)**

Emergency care information such as your name, date of birth, the name of your GP, any medicines which your GP has prescribed, any medicines you are allergic to or react badly to, is shared with Out of Hours as this might be important if you need urgent medical care when Riverbank is closed. NHS staff (Doctors, Nurses, Accident and Emergency, Ambulance control and crews) can look at your ECS if they need to treat you. They will ask for your consent before they look at your records. In an emergency and if you are unconscious, staff may look at your ECS without your agreement to let them give you the best possible care. Whenever NHS staff looks at your ECS, a record will be kept so we can always check who has looked at your information.

### **Key Information Summary (KIS)**

Key information summary (KIS) has been designed to support patients who have complex care needs or long term conditions. KIS allows important information to be shared with health care professionals in unscheduled care in the NHS 24, A&E, Scottish Ambulance Service, Out of Hours, hospital and pharmacy environments.

Information contained in KIS summary includes, future care plans, medications, allergies, diagnosis, your wishes, carer and next of kin details.

You have the right to say that you do not want Care staff to see ECS/KIS. Please contact the Practice on 01847 893321.

## **Online Registration**

This service allows you to order repeat prescriptions and make changes to your email and mobile contact number where appropriate. You need to register for this service and can de-register at any time.

## **How long do we keep this information about you?**

We will keep your paper and electronic (hospital/clinic) records as long as you are a patient at the practice. If you leave the practice, these will be returned to the Health Board for forwarding to your new practice. The practice will retain information held on its clinical system relating to consultations, immunisations, medical history and prescribing, but this information will be archived.

## **Patient (Data Subject) Rights**

### **Right to be informed**

This privacy notice informs you of your rights.

### **Right of access**

You have the right to access your own personal information. This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally. This is called a **Subject Access Request**. Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

We will respond promptly and at least within **one calendar month** from the date of receiving the request and all necessary information in writing from you. If your request is complex we may take longer, by up to two months, to respond. If this is the case we will tell you and explain the reason for the delay.

### **Right to rectification**

You have the right to have any mistakes or errors corrected in your medical records. If considered appropriate, a retrospective entry can be made by a clinician if you have concerns regarding the accuracy of your clinical record. You will also have the right to have incomplete personal data completed, if necessary by providing a signed and dated supplementary statement. We will respond to the request for rectification at least within **one calendar month**.

### **Right to erasure**

This right is also known as the “right to be forgotten” and request the deletion or removal of personal information. You have the right to request erasure of personal information concerning you if this is no longer relevant.

### **Right to restrict processing**

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. Examples of ways you can restrict our processing would be:

- If you challenge the accuracy of your personal information, stop using it until we check its accuracy.
- If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.

If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort. Whenever we decide to lift a restriction on processing we will tell you.

### **Right to object**

You have the right to object to information being shared for your own care. Please speak to the Practice if you wish to object.

### **Right of data portability**

This right allows individuals to obtain and re-use their personal information for their own purposes and move, copy or transfer personal information easily from one IT environment to another in a safe and secure way. We can respond to a request from you for the supply of your personal information in an electronic format, which you then have the right to transmit elsewhere.

### **Rights in relation to automated decision**

Patients have the right not to be subject to a decision based on automated processing. Patients have the right to (a) obtain human intervention, (b) express their point of view, and (c) obtain an explanation of the decision and challenge it. Riverbank Medical Practice does not undertake any decision making about you using wholly automated means.

### **Using your Rights & Questions and queries**

If you would like to make use of your Data Subject Rights, have any questions or queries about our privacy notice or concerns about how we use personal information, please contact the Practice Manager, Riverbank Medical Practice, Janet Street, Thurso, KW14 7AR, 01847 893321.

The Interim Data Protection Officer for NHS Highland is Donald Peterkin, based at 2nd Floor, Robertson FM Building, New Craigs, Inverness, IV3 8NP, Tel: 01463706057

Email: [donald.peterkin@nhs.net](mailto:donald.peterkin@nhs.net)

### **Right to Complain**

If you are unhappy with our data processing methods, you have the right to lodge a complaint with the Information Commissioner's Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call their helpline 0303 123 1113.