

# Mayflower Medical Centre

## Fair Processing Notice Under GDPR May 2018

### **Fair Processing Notice under the General Data Protection Regulations (GDPR) 2018 (formerly the Data Protection Act 1998) - How we use your personal information**

This fair processing notice explains why the GP practice collects information about you and how that information may be used.

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology solutions to ensure that your information is kept confidential and secure. Records which this Practice hold about you may include the following information:

- Details about you, such as your address, carer, legal representative, emergency contact details, next of kin
- Any contact the surgery has had with you, such as appointments, telephone, eConsults submitted by you, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays etc.
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided. Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – if this information needs to be identifiable, the surgery will always gain your explicit consent before releasing the information for this purpose.

### **Risk Stratification**

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your anonymised information using software managed by our clinical system provider, and is only provided back to your GP as data controller in an identifiable form. Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services. Please note that you have the right to opt out of your data being used in this way.

### **Medicine Management**

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided by pharmacists and Technicians employed by North East Essex Clinical Commissioning Group or GP Primary Choice . They are bound by the same confidentiality rules as our staff are.

### **North East Essex GP Network (NEEGPN)**

NEEGPN is a group of practices who have joined together with the aim of combining our resources wherever possible to assist in delivering services to our patients.

The member practices are : Mayflower Medical Centre, Abbeyfield Medical Centre, Great Bentley Surgery, St James and St Osyth Surgery, East Hill Surgery. It is possible that you will be offered appointments at these surgeries. The clinicians will therefore need to access your medical records and consent will be requested at the time of booking the appointment.

Name	Description	Can employees of the organisation access patient information?	GDPR statement
EMIS	Clinical system holds patient demographic and medical information – remote server	The servers and the connection to the practice are encrypted, so EMIS staff are not able to access patient information in this way. EMIS support staff are able to dial in remotely with the consent of our staff for problem solving.	<a href="https://supportcentre.emishealth.com/emis-group-and-the-gdpr-general-data-protection-regulation/">https://supportcentre.emishealth.com/emis-group-and-the-gdpr-general-data-protection-regulation/</a> (only accessible with a log in so information in Appendix 1)
Portal	Telephone system – call recording onto a server located within the practice	All the recordings are physically located within the practice. Support staff from 4com are able to dial in remotely with the consent of our staff for problem solving.	Waiting for information
MJog	SMS and smart messaging system between the practice and patients.	Patient's emis (clinical system) numbers are uploaded to MJog website. The website has an encrypted link to the patient database which is interrogated for the patient's name and mobile number. MJog employees would only have access to this identifiable information when troubleshooting – they will sometimes dial in to an HEMC staff member's PC with the consent of the member of staff to fix a problem.	<a href="https://www.mjog.com/privacy-policy/">https://www.mjog.com/privacy-policy/</a> <a href="https://www.mjog.com/gdpr-approaches-new-data-protection-legislation/">https://www.mjog.com/gdpr-approaches-new-data-protection-legislation/</a> <a href="https://www.mjog.com/data-protection-changes-weeks-away/">https://www.mjog.com/data-protection-changes-weeks-away/</a>
iGPR	iGPR is a software tool that assists us with creating insurance reports.	Waiting for information	<a href="http://www.igpr.co.uk/privacy/">http://www.igpr.co.uk/privacy/</a>
Docmail	Docmail is an external printing and mailing agency which we use to send large batches of letters.	Docmail staff can dial in remotely with the consent of our staff for problem solving.	<a href="http://www.cfhdmail.com/tob.html">http://www.cfhdmail.com/tob.html</a>
Scan and Collate	Make copies of patient records in response to Subject Access Requests	Representative comes to practice and scans Lloyd George record onto password protected CD which is then sent to patient or Solicitor. No patient data is taken off site.	Nothing is taken off site, so no privacy policy but copy of confidentiality agreement in Appendix 2
Restore Datashred	Shred paper on which is printed patient or other	Representative comes to site and collects the four shredding bins full of paper and shreds	Information regarding the service at <a href="https://www.restore.co.uk/Datashred/Services/Onsite-Shredding">https://www.restore.co.uk/Datashred/Services/Onsite-Shredding</a>

	confidential data	on site.	
Lexacom	Dictation software which clinical staff use to dictate letters for the secretaries to type.	Lexacom support staff are able to dial in remotely with the consent of our staff for problem solving.	Waiting for information
MDU / MPS / MDDUS	Indemnity organisations	We will sometimes send by email or discuss by phone identifiable information when the organisation is supporting a GP in a patient complaint or litigation. Information will be redacted where possible.	<a href="https://www.themdu.com/privacy-policy">https://www.themdu.com/privacy-policy</a> <a href="https://www.medicalprotection.org/home/privacy-cookies-policy">https://www.medicalprotection.org/home/privacy-cookies-policy</a> <a href="https://www.mddus.com/mddus-policies/privacy-notice">https://www.mddus.com/mddus-policies/privacy-notice</a>
Numed	Numed provides software and support for our ECG machine.	Numed support staff can remotely dial in with the consent of our staff for problem solving.	<a href="https://www.numed.co.uk/gdpr-statement-of-compliance">https://www.numed.co.uk/gdpr-statement-of-compliance</a>
eConsult	Provides the platform for online consultations requests	Patient data is encrypted, consultation information is stored in pseudonymised form on eConsult servers.	<a href="https://oakleyhealth.webgp.com/statiLegalContent/privacyPolicy">https://oakleyhealth.webgp.com/statiLegalContent/privacyPolicy</a>
Health Intelligence	Manage recall and screening of diabetic patients for diabetic retinopathy	The Diabetic Eye Screening Programme is operated by Health Intelligence (commissioned by NHS England). This supports invitation for eye screening and ongoing care. This data may be shared with any Hospital Eye Services a patient is under the care of to support further treatment and with other healthcare professionals involved in patient care.	<a href="http://www.desphiow.co.uk/diabetic-eye-screening/privacy-notice/">http://www.desphiow.co.uk/diabetic-eye-screening/privacy-notice/</a>

### Access to personal information / Subject Access Requests

You have a right under the General Data Protection Regulations 2018 to request access to view or to obtain copies of what information the surgery holds about you and to have it amended should it be inaccurate. In order to request this, you need to do the following:

- Your request must be made in writing to the GP, this can be made by email or letter (note for information from the hospital you should write direct to them)
- We will initially offer you online access to your Detailed Coded Record. This contains your electronic medical record, and summarised paper record. It does not contain any letters from the hospitals or other attachments on your record. The advantage of applying for access to this record is that it updates as your medical record updates, so you will always have the most current information.
- If the Detailed Coded Record is not adequate for your needs, we will email you a copy of your medical record. If you are not able to receive an email containing your medical record, you will print a copy for you. There may be a charge to have a printed copy of the information held about you if the administrative burden of photocopying and printing is excessive.

- We are required to respond to you within 20 days
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located

## Objections / Complaints

Should you have any concerns about how your information is managed at the GP, please contact the Practice Manager by email, telephone or letter. If you are still unhappy following a review by the GP practice, you can then complain to the Information Commissioners Office (ICO) [www.ico.gov.uk](http://www.ico.gov.uk), [casework@ico.org.uk](mailto:casework@ico.org.uk), telephone: 0303 123 1113 (local rate) or 01625 545 745.

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the practice.

### Cookies

Our practice website uses cookies to function correctly. You may delete cookies at any time but doing so may result in some parts of the site not working correctly.

### Change of Details

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

### Notification

The General Data Protection Regulations 2018 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

This information is publicly available on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk)

The practice is registered with the Information Commissioners Office (ICO).

### Who is the Data Controller?

The Data Controller, responsible for keeping your information secure and confidential is: Hedge End Medical Centre

If you are still unhappy following a review by the Practice you can then complain to the Information Commissioners Office (ICO). [www.ico.org.uk](http://www.ico.org.uk), [casework@ico.org.uk](mailto:casework@ico.org.uk), telephone: 0303 123 1113 (local rate) or 01625 545 745.

### Who is the Data Protection Officer?

As a public authority, we have to appoint a Data Protection Officer (DPO). Our DPO is Dr Daniel Catmull. He assists us in monitoring internal compliance, provides advice regarding Data Protection Impact Assessments (DPIAs), and helps us demonstrate compliance with an enhanced focus on accountability.

# APPENDIX 1

## EMIS Group and the GDPR (General Data Protection Regulation)

Last updated on [Monday 21 May 2018 news](#)

### What is GDPR?

- Each member state in the EU operates under the current 1995 data protection regulation and has its own national laws. In the UK, the current Data Protection Act 1998 sets out how your personal information can be used.
- The General Data Protection Regulation (GDPR) changes how data can be used and is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen data protection. Companies who hold or process data need to be compliant with the GDPR regulation by 25 May 2018.

### What is EMIS Group doing about this?

- As an organisation we take issues of information governance and data privacy very seriously and have them at the heart of what we do. Some of what we're doing to ensure compliance with the new regulation is commercially sensitive, however we can confirm we have a project team in place who are currently working on a project plan to ensure that we're compliant.
- We are happy to share with you the following high level overview of some of the steps we're taking to address the forthcoming changes in data privacy law:

### Raising awareness

- We're raising awareness of information governance issues across the group through: the delivery of bespoke training, training modules, use of our internal newsletters and the revised [IG](#) toolkit made available by [NHS Digital](#).
- We're revisiting our data breach management policy, including arrangements for compulsory breach notification, so that staff know who to contact should an incident arise.
- We will engage with sector specific bodies active in setting standards (e.g. the Information Governance Alliance) so that we are aware of any relevant industry codes of practice.

### Product Development

- We're engaging with our product development teams to identify those elements of the GDPR which we believe may have impact on solution design going forward.
- We're revisiting our data protection impact assessment process to ensure that PIA's are undertaken as required.

## Review Data Security

- We recognise the need to meet the integrity and confidentiality principles under the GDPR. Therefore we're reviewing the below to ensure that they are fit for purpose:
  - Data security standards.
  - Data breach, storage and destruction policies and management.
  - Data security action plan.

## Data Protection Officer

- We will be appointing a Group DPO with overall responsibility for compliance.

## Policy & Contract Review

- We're reviewing and updating the below to ensure that they are fit for purpose:
  - Data privacy related policies and procedures.
  - Data sharing agreements and process.
  - Fair processing notices (privacy policies) & website terms.
- We will review and revise as appropriate our own terms and conditions and those put forward by our customers so that they reflect the requirements of the new regime.

## APPENDIX 2



### Contract Agreement

This is a Contract Agreement between

and

Scan & Collate Ltd  
Unit 7  
The Innovation Centre  
Ebbw Vale  
NP23 8XA

This confirms that the above party have employed Scan & Collate Ltd as data processing agents for the purpose of providing secure digital images of their patient's medical records.

All employees of Scan & Collate Ltd who have access to these records have signed a confidentiality agreement and have been DBS (Disclosure and Barring Service) checked and cleared.

Either party may withdraw from this contract by giving 30 days notice of such intent.

Scan and Collate Ltd (S&C) will do the following,

- Check the request letter (if it has been provided), to make sure that the patient name and date of birth on the letter matches that which is on the outside cover of the paper records folder.
- Check if the whole record is required or just from a date range. If from a date range S&C will go through the paper record and when they reach a document which is dated prior to the requested date then they will stop looking and only scan the paper records from that date forward. It is assumed that each record is in chronological order.
- Go through the paper record from front to back and remove all staples and other fixings in order to prepare the record for scanning. The practice should notify S&C of anything which does not require scanning or which needs redaction by using a post it strip or other notification at the top of each affected page to state either do not scan that page or redact something from that page and S&C will carry out those instructions.
- Put each record back in the same order it was prior to scanning and in at least the same condition. (Sometimes we may improve the condition of some paper, i.e. repair torn paper, in order for it to be scanned without causing further damage or to obtain a better quality image.)
- Only process one record at a time to prevent any cross contamination.

- Inform the practice staff of any issues found from conducting the checks in the above points, immediately.
- Keep patient and practice confidentiality at all times, whether heard, seen or read.
- Act on instruction from the practice (Data Owner).
- Supply a “back up” disc of records scanned, in order that the practice may check the data before sending out and quickly and efficiently produce a copy disc should it be required.

Scan and Collate Ltd (S&C) will not,

- Go through the entire record and check each page for any discrepancies (wrong patient for example).
- Take any patient information away with them.
- Make a decision themselves on what if any information should be redacted or omitted.

As the Data Owner, you have ultimate responsibility and in accordance with the statement on the website of the Information Commissioners Office (ICO), it is stated that you “check any records which have required redaction or partial copying” to ensure the process has been completed to your requirements prior to sending outside of the practice.

### **Quality Standards and Compliance.**

Both parties will carry out their obligations under this Agreement with all due care, skill and judgement and will devote all such time, attention and resources as is necessary to ensure that their obligations are discharged to the highest professional standards and in accordance with all applicable regulations.

Both parties will comply with relevant UK law and regulations.

### **Insurance.**

S&C will take out and maintain adequate insurance as may be necessary for the provision of the service including but not limited to public liability with a reputable insurance company.

### **Confidentiality.**

The Practice agrees and warrants at all times during and subsequent to this Agreement to treat as confidential all or any information (in whatever media) regarding the operations, products, finance, marketing, administration, maintenance, research and development, future intentions and policy of S&C or any other information which may be a trade secret or of a confidential nature which the Practice is or becomes aware. Such confidential information will be treated by it with the strictest confidence and secrecy, and further no such information will be disclosed, published or released to any third party or used for the Practice’s own purposes or for any purposes other than those relating to the provision of the service under this agreement without the express written permission of S&C.

S&C agrees and warrants at all times during and subsequent to this agreement to treat as confidential all or any information (in whatever media) regarding the operations, products, finance, marketing, administration, maintenance, research and development, future intentions and policy of the Practice or any other information, including patient information, which may be a trade secret or of a confidential nature which S&C is or becomes aware. Such confidential information will be treated by it with the strictest confidence and secrecy, and further no such information will be disclosed, published or released to any third party or used for S&C’s own purposes or for any purposes other than those relating to the provision of the service under this agreement without the express written permission of the Practice.

The Practice shall provide S&C with the patient records and S&C shall carry out the service in an on site area to be notified by the Practice. S&C will comply in all respects



with the Caldicott Principles relating to the processing of patient data and/or as advised by the Practice.

**GDPR (General Data Protection Regulations).**

S&C keep no personal information or data regarding any patient details. All scanned information is deleted from our computers before leaving the Practice.

S&C only use S&C staff, we do not use temporary or agency staff for this service.

Neither party may assign or transfer all or any part of its rights or obligations under this agreement.

**Intellectual Property.**

Ownership of intellectual property subsisting in any document (including electronic documents), records, papers, recordings or other material provided by one party to the other is the exclusive property of the party providing it.

If any dispute or difference arises between the parties concerning the construction or performance of this agreement or the rights and liabilities of the parties, the parties will actively, openly and in good faith discuss that dispute or difference with a view to resolving it by mutual agreement.

Signature:

Signature:

Date:

Date:

Name:

Name:

Position:

Position:

Company Name: Scan & Collate Ltd

Practice name: