

Practice Privacy Notice

Version:	Review date:	Edited by:	Approved by:	Comments:
1	16.05.18	JW	DW	

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1 Introduction

1.1 Policy statement

NHS Digital collects information with the purpose of improving health and care for everyone. The information collected is used to:¹

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

1.2 Principles

NHS Digital is a data controller and has a legal duty, in line with the General Data Protection Regulation (GDPR), to explain why it is using patient data and what data is being used. Similarly, **Quakers Lane Surgery** has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

1.3 Status

The practice 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 in regard to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are contractual and therefore form part of your contract of employment. Employees will be consulted on any modifications or change to the document's status.

1.4 Training and support

The practice will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

2 Scope

2.1 Who it applies to

This document applies to all employees, partners and directors of the practice. Other individuals performing functions in relation to the practice, such as agency workers, locums and contractors, are encouraged to use it.

2.2 Why and how it applies to them

Everyone 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 practice 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 General Data Protection Regulation.

3 Definition of terms

3.1 Privacy notice

A statement that discloses some or all of the ways in which the practice gathers, uses, discloses and manages a patient's data. It fulfils a legal requirement to protect a patient's privacy.

3.2 Data Protection Act 2018 (DPA18)

The Data Protection Act (DPA18) will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

3.3 Information Commissioner's Office (ICO)

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

3.4 General Data Protection Regulation (GDPR)

The GDPR replaces 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. The GDPR comes into effect on **25 May 2018**.

3.5 Data controller

The entity that determines the purposes, conditions and means of the processing of personal data.

3.6 Data subject

A natural person whose personal data is processed by a controller or processor.

4 Compliance with regulations

4.1 GDPR

In accordance with the GDPR, this practice 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; and
- Free of charge

4.2 Article 5 compliance

In accordance with Article 5 of the GDPR, this practice 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 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, using appropriate technical or organisational measures

4.3 Communicating privacy information

At **Quakers Lane Surgery**, the practice 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

4.4 What data will be collected?

At Quakers Lane Surgery, the following data will be collected:

- Patient details (name, date of birth, NHS number)
- Address and NOK information
- Medical notes (paper and electronic)
- Details of treatment and care, including medications
- Results of tests (pathology, X-ray, etc.)
- Any other pertinent information

4.5 NATIONAL DATA OPT-OUT PROGRAMME

The national data opt-out programme will afford patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes.² This programme will be live with effect from 25 May 2018.

Patients who wish to opt out of data collection will be able to set their national data opt-out choice online. An alternative provision will be made for those patients who are unable to do so or who do not want to use the online system.

Individuals who have opted out using the existing Type 2 opt-out will be automatically transferred to the new national data opt-out system and will be notified on an individual basis of the change.

The following resources are available for staff at Quakers Lane Surgery:

- [Pack A The NDG Review and Government Response Published March 2018](#)
- [Pack B Taking the National Data Opt-out Forward Published March 2018](#)
- [Pack C National Data Opt-out Approach Published March 2018](#)
- [Pack D National Data Opt-out Operational Policy Published November 2017](#)
- [Pack E1 Preparing for Implementation Published March 2018](#)
- Pack F – Not yet published
- [Pack G Fit with Data Protection Bill \(GDPR\) Published December 2017](#)

Should any queries arise regarding the national data opt-out programme, Quakers Lane Surgery will email the query to the national data opt-out enquiries mailbox: newoptoutenquiries@nhs.net

To ensure that Quakers Lane Surgery is ready for the introduction of the national data opt-out programme, they will use the [Readiness checklist](#).

4.6 Privacy notice checklists

The ICO has provided a privacy notice checklist which can be used to support the writing of the practice privacy notice. The checklist can be found by following this [link](#).

4.7 Privacy notice template

A privacy notice template can be found at Annex A.

4.8 Summary

It is the responsibility of all staff at Quakers Lane Surgery to ensure that patients understand what information is held about them and how this information may be used. Furthermore, the practice must adhere to the DPA18 and the GDPR, to ensure compliance with extant legal rules and legislative acts.

² [NHS Digital National data opt-out programme](#)