

GALLOWAY HILLS MEDICAL GROUP

Practice Privacy Notice

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1 Introduction

1.1 Policy statement

The Health and Social Care Information Centre (HSCIS) collects information with the purpose of improving health and care for everyone. The information collected may be used for:¹

- Working out what care services are needed – and where and when
- Planning for health emergencies such as epidemics
- Helping to improve medicines and treatments
- Finding better ways to prevent illness and treat conditions
- Calculating how much GPs and other providers are to be paid

1.2 Principles

NHS Digital is a data controller and has a legal duty, in line with the Data Protection Act 1998, to explain why it is using patient data and what data is being used.² Similarly, Galloway Hills Medical Group 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This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time.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.

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

¹ [NHS Digital – What we collect](#)

² [NHS Digital – Privacy Notice – individual GP level data](#)

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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 Data Protection Act 1998.

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 1998 (DPA)

The Data Protection Act (DPA) controls how your personal information is used by organisations, businesses or the government.

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 GPDR comes into effect on **25 May 2018**.

3.5 Data controller

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A person who (either alone or jointly with other persons) determines the purposes for which and the manner in which any personal data is, or is to be, processed.³

3.6 Data subject

An individual who is the subject of personal data.⁴

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 DPA 1998

In accordance with the DPA 1998, this practice will ensure that any personal data is processed fairly and lawfully and:

- The practice will not use the data in ways that have unjustified, adverse effects on the individuals concerned;
- We will be transparent about how we intend to use the data, and give individuals appropriate privacy notices when collecting their personal data;
- We will handle people's personal data only in ways they would reasonably expect; and
- We will not do anything unlawful with the data

4.3 Communicating privacy information

At Galloway Hills Medical Group, 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 Galloway Hills Medical Group, the following data will be collected:

- Patient details (name, date of birth, NHS number)

³ [ICO – Key definitions of the Data Protection Act](#)

⁴ [ICO – Key definitions of the Data Protection Act](#)

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- 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 Type 1 and Type 2 opt-outs

Patients who wish to opt out of data collection should contact reception to register a Type 1 opt-out; this is an objection that prevents an individual's personal, confidential information from being shared outside this practice, except when it is being used for the purposes of direct care, or in particular circumstances required by law, such as a public health emergency like an outbreak of pandemic disease.⁵

NHS Digital collects information from a range of places where people receive care. If a patient does not want personal, confidential information to be shared beyond NHS Digital, for purposes other than for their direct care, they can register a Type 2 opt-out at this practice.⁶

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 Galloway Hills Medical Group 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 DPA 1998 and the GDPR, to ensure compliance with extant legal rules and legislative acts.

⁵ [NHS Digital – What should individuals do if they wish to opt out of this data collection?](#)

⁶ [NHS Digital – Your personal information choices](#)

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4.9 Annex A – Practice privacy notice

Galloway Hills Medical Group has a legal duty to explain how we use any personal information we collect about you, as a registered patient at the practice. Staff at this practice maintains records about your health and the treatment you receive in electronic and paper format.

What information do we collect about you?

We will collect information such as personal details, including name, address, next of kin, records of appointments, visits, telephone calls, your health records, treatment and medications, test results, X-rays, etc. and any other relevant information to enable us to deliver effective medical care.

How we will use your information

Your 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 in the public interest. The practice may be requested to support research; however, we will always gain your consent before sharing your information with medical research databases such as the Information Services Division Scotland (ISD Scotland) or others when the law allows.

In order to comply with its legal obligations, this practice may send data to ISD Scotland when directed by the Secretary of State for Health under the The Public Health (Scotland) Act 2008. Additionally, this practice contributes to national clinical audits and will send the data that is required by ISD Scotland when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form; for example, the clinical code for diabetes or high blood pressure.

Processing your information in this way and obtaining your consent ensures that we comply with Articles 6(1)(c), 6(1)(e) and 9(2)(h) of the GDPR.

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Maintaining confidentiality and accessing your records

We are committed to maintaining confidentiality and protecting the information we hold about you. We adhere to the General Data Protection Regulation (GDPR), the NHS Codes of Confidentiality and Security, as well as guidance issued by the Information Commissioner's Office (ICO). You have a right to access the information we hold about you, and if you would like to access this information, you will need to complete a Subject Access Request (SAR). Please ask at reception for a SAR form and you will be given further information. Furthermore, should you identify any inaccuracies; you have a right to have the inaccurate data corrected.

Risk stratification

Risk stratification is a mechanism used to identify and subsequently manage those patients deemed as being at high risk of requiring urgent or emergency care. Usually this includes patients with long-term conditions, e.g. cancer. Your information is collected by a number of sources, including SPIRE (NHS NATIONAL SERVICES SCOTLAND), NHS Dumfries and Galloway and Local Intelligence Support Team; this information is processed electronically and given a risk score which is relayed to your GP who can then decide on any necessary actions to ensure that you receive the most appropriate care.

Invoice validation

Your information may be shared if you have received treatment to determine which NHS Area Health Board is responsible for paying for your treatment. This information may include your name, address and treatment date. All of this information is held securely and confidentially; it will not be used for any other purpose or shared with any third parties.

Opt-outs

You have a right to object to your information being shared. Should you wish to opt out of data collection, please contact a member of staff who will be able to explain how you can opt out and prevent the sharing of your information; this is done by registering a Type 1 opt-out, preventing your information from being shared outside this practice.

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Retention periods

In accordance with the NHS Codes of Practice for Records Management, your healthcare records will be retained for 10 years after death, or if a patient emigrates, for 10 years after the date of emigration. *Electronic Patient Records (EPRs)- GP only- must not be destroyed, or deleted, for the foreseeable future. See link for further clarification of retention periods:

<http://www.gov.scot/Publications/2010/04/20142935/8>

What to do if you have any questions

Should you have any questions about our privacy policy or the information we hold about you, you can:

1. Contact the practice's data controller via email at aileen.thomson2@nhs.scot. GP practices are data controllers for the data they hold about their patients⁷
2. Write to the data controller at: Galloway Hills Medical Group, Health Centre, Creebridge, Newton Stewart, DG8 6NR
3. Ask to speak to the practice manager Mrs Aileen Thomson. or their deputy Mrs Janet Cresswell.

The Data Protection Officer (DPO) for Galloway Hills Medical Group is Mr John McGonigle and he is based at NHS Dumfries & Galloway, High North, Crichton Hall, Dumfries, DG1 4TG.

Complaints

In the unlikely event that you are unhappy with any element of our data-processing methods, you have the right to lodge a complaint with the ICO. For further details, visit ico.org.uk and select 'Raising a concern'.

Changes to our privacy policy

We regularly review our privacy policy and any updates will be published on our website, in our newsletter and on posters to reflect the changes. This policy is to be reviewed 31/12/2021

⁷ [BMA GPs as data controllers under the GDPR](#)