

How your information is shared so that this practice can meet legal requirements

The law requires Chilcote Surgery to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.

We must also share your information if a court of law orders us to do so.

NHS Digital

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.
- It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.
- This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
- More information about NHS Digital and how it uses information can be found at: <https://digital.nhs.uk/home>
- NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here: <https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital>

General Practice Data for Planning and Research Data Collection (GPDfPR)

As well as using your information to support the delivery of care to you, your data may be used by NHS Digital to help improve the way health and social care is delivered to patients and service users throughout England. From the 1st July 2021, NHS Digital will securely extract your information to provide access to patient data to the NHS and other organisations who need to use it, to improve health and social care for everyone.

NHS Digital will primarily use your information in a way that does not identify you (your information will be pseudonymised). However, they will be able to use their software to identify you in certain circumstances, and where there is a valid legal reason to do so. NHS Digital may also share your information with third parties such as Local Authorities, primary care networks (PCNs), clinical commissioning groups (CCGs), research organisations, including universities, and pharmaceutical companies.

At the time of publication (May 2021), patients who have a “type 1” opt- out, will be excluded from this programme and will not have their data extracted for this purpose.

Further information about GPDfPR can be found here: <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-data-for-planning-and-research/transparency-notice>

We will rely on Legal Obligation (Article (6)(1)(c)), Health and Social Care (Article 9(2)(h)) and Public Health (Article (9)(2)(i)) as the legal basis for processing your data for this purpose.

Care Quality Commission (CQC)

- The CQC regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
- For more information about the CQC see: <http://www.cqc.org.uk/>

Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
- We will report the relevant information to the local health protection team or Public Health England.
- For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

Data Controller contact details	Chilcote Surgery, Dewerstone Practice, Hampton Avenue, St Marychurch, Torquay, TQ1 3LA
Data Protection Officer contact details	Delt Shared Service Ltd, BUILDING 2 – DELT, Derriford Business Park, Plymouth, PL6 5QZ d-ccg.deltppo@nhs.net
Purpose of the processing	Compliance with legal obligations or court order.
Lawful basis for processing	The following sections of the GDPR mean that we can share information when the law tells us to. Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’ Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’
Recipient or categories of recipients of the processed data	<ul style="list-style-type: none">• The data will be shared with NHS Digital.• The data will be shared with the Care Quality Commission.• The data will be shared with our local health protection team or Public Health England.• The data will be shared with the court if ordered.
Rights to object and the national data opt-out	There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below. NHS Digital <ul style="list-style-type: none">• You have the right to object to information being shared with

	<p>NHS Digital for reasons other than your own direct care.</p> <ul style="list-style-type: none"> • This is called a 'Type 1' objection – you can ask your practice to apply this code to your record. • Please note: The 'Type 1' objection, however, will no longer be available after 2020. • This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012. <p>Chilcote Surgery is one of many organisations working in the health and care system to improve care for patients and the public. Whenever you use a health or care service, such as attending Accident and Emergency or using Community Care services, or our surgery, important information about you is collected to help ensure you get the best possible care and treatment.</p> <p>The information collected about you when you use these services can also be provided to other approved organisations, where there is a legal basis, to help with planning services, improving care provided, research into developing new treatments and preventing illness. All of these help to provide better health and care for you, your family and future generations. Confidential personal information about your health and care is only used in this way where allowed by law and would never be used for insurance or marketing purposes without your explicit consent.</p> <p>You have a choice about whether you want your confidential patient information to be used in this way.</p> <p>To find out more about the wider use of confidential personal information and to register your choice to opt out if you do not want your data to be used in this way, visit https://www.nhs.uk/your-nhs-data-matters/ . If you do choose to opt out you can still consent to your data being used for specific purposes.</p> <p>If you are happy with this use of information you do not need to do anything. You can change your choice at any time.</p> <p>NHS Digital sharing with the Home Office</p> <ul style="list-style-type: none"> • There is no right of objection to NHS Digital sharing names and addresses of patients who are suspected of having committed an immigration offence. <p>Public health</p> <ul style="list-style-type: none"> • Legally information must be shared under public health legislation. This means that you are unable to object. <p>Care Quality Commission</p> <ul style="list-style-type: none"> • Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means
--	--

	<p>that you are unable to object.</p> <p>Court order</p> <ul style="list-style-type: none"> Your information must be shared if it ordered by a court. This means that you are unable to object.
Right to access and correct	<ul style="list-style-type: none"> You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our 'subject access request' policy on the practice website here. We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
Retention period	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
Right to complain	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link https://ico.org.uk/global/contact-us/ or call the helpline 0303 123 1113</p>