

# The O'Connell Street Medical Practice

## Data Protection Policy

This practice complies with the *Data Protection Act 1998* and most recently with the European Parliament's official publication of the General Data Protection Regulation (enforceable on 25 May 2018) and this policy describes our procedures for ensuring that personal information about patients is processed fairly and lawfully. N.B. This policy may be subject to change upon release of the Data Protection Act 2018 (yet to be issued).

### What personal data do we hold?

In order to provide you the patient with a high standard of care and attention, we need to hold personal information about you. This personal data comprises:

- your past and current medical information; personal details such as your age, national insurance number/NHS number, address, telephone number
- radiographs, clinical photographs and other medical records
- medical history
- information about the treatment that we have provided or propose to provide
- notes of conversations/incidents that might occur for which a record needs to be kept
- records of consent
- any correspondence relating to you with other health care professionals, for example in the hospital or community services
- recording of appointments past, today and future
- we issue a unique number called a CHI number to help us identify your records more quickly. This is considered your personal data also.
- We may also hold Special Category Data (only where relevant to our work) which can include Race/Ethnic/Political Opinions/Religious views.

### Why do we hold information about you?

We need to keep comprehensive and accurate personal data about our patients in order to provide them with safe and appropriate care and support. We also need to process personal data about you in order to provide care under NHS arrangements and to ensure the proper management and administration. Additionally, we may need to correspond with referring professionals to deliver the best medical support and advice to you. ***WE NEVER SHARE YOUR PERSONAL INFORMATION OTHER THAN YOUR NAME, DATE OF BIRTH AND IF REQUIRED FOR ADDITIONAL IDENTIFICATION, AN ADDRESS (ONLY BY LETTER AND NOT BY EMAIL OUTSIDE OF NHS SERVICES). WE EXERCISE A STRICT CODE OF 'DUE DILIGENCE' WHEN HANDLING OR PROCESSING ALL DATA.***

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## **How we process the data**

We will process personal data that we hold about you in the following way:

### ***Retaining information***

We will retain access to your medical records while you are a patient with us, and, after you cease to be a patient, arrange for them to be forwarded on to your next medical practice – this is normally done electronically using NHS central services. Any paper records unless asked for by NHS we will hold for at least eleven years or for children until age 25, whichever is the longer.

### ***Security of information***

Personal data about you is held in the practice's NHS provided computer system and/or in a manual filing system (this is very seldom). The information is not accessible to the public and only authorised members of staff have access to it. Our computer system has secure audit trails and we back up information routinely via NHS Systems.

### ***Disclosure of information***

In order to provide proper and safe care, we may need to disclose personal information about you to:

- your general medical practitioner
- the hospital or community medical services
- other health professionals caring for you
- NHS payment authorities
- the Inland Revenue
- the Benefits Agency

Disclosure will take place on a 'need-to-know' basis, so that only those individuals/organisations who need to know in order to provide care to you and for the proper administration of Government (whose personnel are covered by strict confidentiality rules) will be given the information. Only that information that the recipient needs to know will be disclosed.

In very limited circumstances or when required by law or a court order, personal data may have to be disclosed to a third party not connected with your health care. In all other situations, disclosure that is not covered by this Code of Practice will only occur when we have your specific consent.

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Where possible you will be informed of these requests for disclosure.

## **Access**

A 'data subject' (patient) has the right to obtain data held about them but they must be qualified to receive it. This may require presentation of personal identification.

You have the right of access to the data that we hold about you and to receive a copy. This is referred to as a '**Standard Access Request**'. We always ensure that a Standard Access Request is valid. Access may be obtained by making a request in writing. Whilst no charge is made for access to the information, any additional costs such as postage, courier or digital medium needed to complete your request would have to be covered by the requestor.

We will provide a copy of the record within 1 calendar month (28-31 days) or sooner if possible. This can be extended to 2 months or in extremely complex cases months.

If collecting data in person we will take reasonable means to identify the data subject by asking for photo identification including proof of residence.

Repeat requests however will be met with a Refuse to Act response under Article 12:5B (Article may change).

## **Access to data by Solicitors and Insurance Companies**

### *Solicitor Requests:*

A Solicitor can make a request on your behalf for a copy of medical records or a part of your records pertaining to an event/incident. Whilst implied consent will exist, we may contact you as part of the validation process and inform you if they have requested a copy of your full record or part of it. Should they request a full record and you object to this we will not release the information but would discuss which element of your records you do wish to be provided. It is considered best practice to provide the information to you to hand to your solicitor. Should you wish this to be sent to the solicitor either by post or email, we can do that but cannot be responsible for the data's security once it leaves our facility. A fee may be raised for providing this information to cover administrative costs.

### *Insurance Company Requests:*

An insurance company can also request medical information by means of an Access to Medical Report. A fee will be charged to cover administrative costs.

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## **Children Access**

Children aged 12 years or more (this may be assessed as inappropriate based upon the minor's maturity and ability to understand) are informed should there be a standard access request made for their records even if by a parent or legal guardian.

Should a request be made by an 'estranged parent' we may inform them that:

- a. We have no information to suggest they have the right to request this data.
- b. We have no information that you are entitled to request this data.

*Further information and guidance, GDPR and data security are available at:*

*Spma.co.uk*

*ICO (SAR Guidelines – yet to be published)*

Updated 14<sup>th</sup> May 2018 C Scott