

Privacy Notice for Primary Care Services (Updated February 2019)

As of 1st July 2018, nine GP Practices are now part of the Royal Wolverhampton NHS Trust (RWT), making the trust directly responsible for the delivery of care. These Practices are; Alfred Squire Road Health Centre, Penn Manor Medical Practice, Lea Road Medical Practice, Thornley Street Surgery, Dr's Koodaruth & Williams (Warstones Health Centre), Lakeside Medical Centre, Coalway Road Surgery, West Park Surgery and Ettingshall Medical Centre.

This means that as a single organisation, the issues of scope of responsibility, funding, differing objectives and drivers will be removed allowing clinicians to design effective, high quality clinical pathways to improve appropriate access and positively impact patient outcomes. Over time, we aim to increase the number of services and locations from which you will be able to access GP services.

The model is called Vertical integration (VI) which is a care model where primary care physicians and their teams work together with providers of secondary and community care as part of one single organisation, offering a unique opportunity to redesign services from initial patient contact through on-going management and end of life care.

Within the practices, trained staff members use electronic and paper records to create and maintain an in-depth history of your NHS medical care within the practice and elsewhere (eg. Hospital visits), to help ensure that you receive the best possible healthcare. Anyone who accesses your data within the practice can only do so using an authorised login that identifies them and provides an audit trail of the records accessed.



What information do we collect about you?

At the Royal Wolverhampton Trust, the Primary Care Services team aim to provide you with safe and effective care to the highest standards. To do this your doctor and the team of health professionals caring for you will keep records about your health and any care you receive from the Trust. This is called your Health Records and may be stored in a paper form or on computer systems. This may include:

- Basic details as your name, address, date of birth, NHS number, gender, next of kin, and ethnicity
- Details of your appointments at the Practice or home visits
- Details of your hospital appointments/visits
- Notes and reports about your health, treatment and care
- Results of x-rays, scans and laboratory tests
- Relevant information from people who care for you and know you well, such as health professionals and relatives
- Allergies and sensitivities
- Current and historical medication
- Family history



How do we use this and what is the legal basis?

Primary Care Services use the above data in the following ways. For each purpose we process your personal data, the legal bases allowing us to do so is listed within the table.

Purpose of using personal data in GP Practices	Legal basis of processing personal data
Provision of direct care and related administrative purposes For example: appointment booking, referrals to hospital or patient communication via text	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.
For commissioning and healthcare planning purposes For example: collection of mental health data set via NHS Digital	GDPR Article 6(1)(c) – compliance with a legal obligation GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health
For planning, general running purposes and system improvements For example: Care Quality Commission powers to require information and records	GDPR Article 6(1)(c) – compliance with a legal obligation (the GP practice) Regulation 6(1)(e) – the performance of a task carried out in the public interest (CQC) GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health
For planning and running of the NHS nationally For example: National clinical audits	GDPR Article 6(1)(e) – the performance of a task carried out in the public interest GDPR Article 9(2)(h) – medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. Special category 9(2)(i) – public interest in the area of public health
For research purposes For example: Investigating the effectiveness of health campaigns such as stop-smoking	GDPR Article 6(1)(f) – legitimate interests...except where such interests are overridden by the interest or fundamental rights and freedoms of the data subject. GDPR Article 6(1)(e) – the performance of a task carried out in the public interest

Purpose of using personal data in GP Practices	Legal basis of processing personal data
	<p>GDPR Article 6(1)(a) – explicit consent</p> <p>GDPR Article 9(2)(j) – scientific or historical research purposes or statistical purposes</p>
<p>For safeguarding and other legal duties</p>	<p>GDPR Article 6(1)(e) – the performance of a task carried out in the public interest</p> <p>Regulation 6(1)(c) – compliance with a legal obligation</p> <p>GDPR Article 9(2)(b) – purposes of carrying out the obligations of ..social protection law</p>
<p>When you request us to share you information</p> <p>For example: Subject access requests</p>	<p>GDPR Article 6(1)(a) – explicit consent</p> <p>GDPR Article 9(1)(a) – explicit consent</p>
<p>If there is CCTV and Call recording in the practice:</p> <p>(this is only applicable to some VI practices; contact your practice for more information)</p>	<p>GDPR Article 6(1)(f) - processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.</p> <p>GDPR Article 9(2)(f) - processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity</p>
<p>The sharing of VI patient data with Commissioning Support Unit to establish trends within frail, elderly patients.</p>	<p>GDPR Article 6(1)(e) – the performance of a task carried out in the public interest</p>



Who do we share your information with?

We may share information about you with the following agencies in order to support the delivery of your care:

- Department of Health and other NHS bodies
- Wolverhampton Clinical Commissioning Group (CCG)
- Wolverhampton City Council (Social Care Services)
- Wolverhampton Voluntary Sector Council (Social Prescribing Service)
- New Cross Hospital (RWT)
- General Practitioners (GP's) who are part of the group of Practices vertically integrated with the Trust, should you choose to book into one of the extended access clinics at another location other than your usual Practice.
- Ambulance Service
- Mental health services
- Social services
- Other national providers of health care who you choose to be referred to, in consultation with your healthcare professional.
- An automated appointment reminder system for the provision of appointment and other relevant information via text message
- The Strategy Unit (Midlands and Lancashire CSU)



Who and where do we obtain your information from?

The Practice will collect data about you in a number of ways. The main method of collection is from you directly.

Face to face:

Most of the information we hold about you will be collected from you at the time you engage with the service. Any data provided will be used for the reasons listed in this notice and will only relevant data will be requested and recorded.

Telephone calls:

The information you disclose over a telephone call may be recorded by the Trust either to support your care or as a record of the conversation. Ordinarily we will inform you if we record or monitor any telephone calls you make to the Trust. This is to increase your security, for our record keeping of the phone call and for training and quality purposes.

Emails:

If you email us we may keep a record of your contact and your email address for our record keeping

From another Practice:

Electronic and paper transfer of medical records from previous Practice when newly registering.

Medical records from out of hours provider.

Other organisation:

We may receive information from other organisation's that are also required by law to share information with us about you, to help us have a full picture of your needs and provide you with care.

Referrals – We may receive referrals or a transfer of your notes to specific specialties as a result of your care being transferred to our organisation. This can be from another Trust, or any health or social care provider initiating a referral.

Direct access – The Practice and its staff may, on a need to know basis have access to specific clinical systems from other organisation such as the summary care record, other Trust clinical systems in order to access information about you that is relevant to your care delivery. All systems are auditable and access is on a need to know basis.

From our appointment text messaging service – The practice may send you text messages which can be responded to. The information collected in these text responses is used to update your patient information on our clinical system. We may ask you for information to investigate the effectiveness of health campaigns eg After using our stop smoking service, have you since quit?



What rights do I have in relation to my information?

Below is a list of the rights you have in relation to your data and when they apply. To make an application for any of the below rights please contact the Data Protection team rwh-tr.dataprotectionteam@nhs.net in the first instance. All rights should be considered within 30 calendar days from date of receipt, but may be extended if complex.

The Right of Access

You have the right to request a copy of any information held by the Trust as well as any supplementary information. See [How do I request my information?](#) for details on how to request your information.

Right to Rectification

If you believe your information may be inaccurate or incomplete you can make a request to have your information reviewed.

The Right to Erasure

The right to erasure is also known as the 'right to be forgotten' introduces a right for you to have personal data erased. Generally this right is not available with health care data. Where this right is available for specific processing you will be notified.

The Right to Restrict Processing

The right to restriction allows you to request the restriction or suppression your personal data. This right is closely linked with the right to rectify and the right to object and will only apply if:

- you contests the accuracy of your personal data and the accuracy is being verified by the trust;
- the data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR) and you oppose erasure and requests restriction instead;
- the personal data is no longer needed but we need to keep it in order to establish, exercise or defend a legal claim.

The Right to Data Portability

The right to data portability allows you to obtain and reuse your personal data across different services. The process should allow for moving, copying or transfer of personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The right to data portability is not an absolute right and generally will not apply to your health care record unless:

- The processing is based on the your consent or it in the performance of a contract;
- When processing is carried out by automated means.

The Right to Object

The right to object to processing means that data should cease to be processed. This right applies only where data is obtained with your consent. In most cases we rely on our legal basis to process your data and not consent and therefore for care purposes this right may not apply. If your data is used for any other reason this right may apply, but would have to be assessed on an individual basis.

Use of profiling

Profiling is automated processing of personal data to evaluate certain things about an individual. The Trust may use profiling techniques for health care planning purposes. An example of this type of processing is the process of risk stratification of patients based on frequency of attendance.



How do I request my information?

You have a right to see or have copies of any information held by the Trust that relates to you free of charge. We have the right to charge an administration fee in situations where repeated requests are received for the same information or the request is excessive. You will be required to prove your identity when making requests.

Subject Access Requests under GDPR rules (post 25th May18) will be processed within 30days. However, once our teams have established the volume of records requested there may be a requirement to extend this up to a further 2 months. We will contact you within 30days should this be the case.

To request access to health records please complete a Subject Access Request form, link provided below and forward on to you practice.

<https://www.royalwolverhampton.nhs.uk/about-us/freedom-of-information/>



How long is my information kept for?

All our records are destroyed in accordance with the NHS Retention Schedule, which sets out the appropriate length of time each type of NHS records is retained. We do not keep your records for longer than necessary.

All records are destroyed confidentially once their retention period has been met, and the Trust has made the decision that the records are no longer required.

GP Patient Records are retained for 10 years after patient death. For more information please see the [Record Management Code for Practice for Health and Social Care 2016, retention schedules](#).



How to make a complaint

If you have any questions about your care or a complaint, please speak to the health professional involved with your care in the first instance.

If this is not resolved to your satisfaction you can contact the [Patient Advice and Liaison Service \(PALS\)](#).

If you have any concerns about how your information is being processed or any of the rights as detailed above, please contact the Trust in the first instance through:

Data Protection Team
Health Records Library
Location B19
New Cross Hospital
Wednesfield Road
Wolverhampton
WV10 0QP

Email: rwh-tr.dataprotectionteam@nhs.net Telephone: 01902 307999 Extension 5544

If you would like to contact the Data Protection Officer (DPO), Raz Edwards, she can be contacted on:

Email: rwh-tr.IG-Enquiries@nhs.net Telephone: 01902 307999 Extension 8124

You also have a right to complain directly to the Information Commissioner's Office if you feel the Trust has not responded effectively to any of the above.