

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

The law requires Ribbleton Medical Centre 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>

## 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 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.

<b>Data Controller</b> contact details	Ribbleton Medical Centre, 243 Ribbleton Avenue, Preston, PR2 6RD.
<b>Data Protection Officer</b> contact details	[Dr Stewart Jones, GP Partner, Ribbleton Medical Centre, 243 Ribbleton avenue, Preston, PR2 6RD]
<b>Purpose</b> of the processing	Compliance with legal obligations or court order.
<b>Lawful basis</b> for processing	<p>The following sections of the GDPR mean that we can share information when the law tells us to.</p> <p>Article 6(1) (c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</p> <p>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...’</p>
<b>Recipient or categories of recipients</b> of the processed data	<ul style="list-style-type: none"> <li>• The data will be shared with NHS Digital.</li> <li>• The data will be shared with the Care Quality Commission.</li> <li>• The data will be shared with our local health protection team or Public Health England.</li> <li>• The data will be shared with the court if ordered.</li> </ul>
<b>Rights to object and the national data opt-out</b>	<p>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.</p> <p>Type 1 opt out prevents information that identifies individuals being shared outside of their GP Practice for secondary users</p> <p>Type 2 opt outs have been replaced by the national data opt out and are no longer valid. All type 2 opt outs recorded in GP Practices up to and including 11<sup>th</sup> October 2018 have been migrated to become national data opt-outs.</p> <p>Other national and local opt out for specific purposes (summary care record), remain in place and are continued to be applied when</p>

appropriate alongside the national data opt out.

#### **Public health – Communicable disease and risks to public health**

- Legally information must be shared under public health legislation for the monitoring and control of communicable disease and other risks to public health. This means that national opt out does not apply.

#### **Overriding Public Interest**

The national data opt out does not apply to the disclosure of confidential patient information where there is an overriding public interest in the disclosure. Examples of disclosure which may be in the public interest include:-

- Reporting of gun and knife wounds
- Patients fitness to drive and reporting concerns to DVLA

#### **Population Screening Programmes**

For the avoidance of doubt, national opt outs do not apply to confidential patient information flowing under the following approvals:

- i. NHS Breast, Bowel and Cervical Screening Programmes
- ii. NHS Abdominal Aortic Aneurysm Screening Programme

#### **National Patient Experience Surveys**

- National data opt out does not apply to the National Cancer Patient Experience Survey (CPES) and CQC NHS Patient Survey Programme.

#### **Information required by law or court order**

The national data opt out does not apply to the disclosure of confidential patient information where the information is required by law or a court order. Examples of disclosure are summarised below:

- Care Quality Commission
- NHS Digital when using its section 259 powers
- NHS Counter Fraud Service
- Investigations by regulators of professionals (e.g. General Medical Council, Nursing and Midwifery Council)
- Coroners investigations
- Employers must report deaths, major injuries and accidents to the Health and Safety Executive
- Information must be provided to the police when requested to help identify a driver alleged to have committed a traffic offence

**This is not an exhaustive list and you are unable to object to it.**

<p><b>Right to access and correct</b></p>	<ul style="list-style-type: none"> <li>• 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 – <a href="http://www.ribbonetonmedicalcentre.co.uk">www.ribbonetonmedicalcentre.co.uk</a></li> <li>• 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.</li> </ul>
<p><b>Retention period</b></p>	<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: <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a>  <a href="#">or speak to the practice.</a></p>
<p><b>Right to complain</b></p>	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call the helpline <b>0303 123 1113</b></p>