

# Cherrymead Surgery Privacy Statement

## Our contact details.

Name: Cherrymead Surgery

Address: Queensmead Road, Loudwater, High Wycombe, HP10 9XA

Phone Number: 01494 445150

E-mail: [cherrymead.management@nhs.net](mailto:cherrymead.management@nhs.net)

ICO Registration Number: Z829006X

## Introduction

This notice is intended to inform users of our website or surgery facilities, about the information we collect and store. It also sets out the conditions on which we use this data to the benefit of providing care.

Cherrymead surgery and its managing partners, take data protection seriously and commit to not using any collected data in a criminal or undesirable manner.

Our Policy complies with UK law, accordingly, including that required by the EU General Data Protection Regulation (GDPR)

The Law requires us to tell you about your rights and our obligations to you with regards to the processing and control of your personal data.

Except as set out below, we do not share, sell or disclose to a third party, any information collected through our website or Practice.

The EU General Data Protection Regulation (GDPR herein) came into force on 25 May 2018; the Data Protection Act 2018 (DPA 2018) is to be read in conjunction with the GDPR. The GDPR applies to all UK health providers and Cherrymead Surgery must be able to always demonstrate compliance. Understanding the requirements of the GDPR will ensure that personal data of both staff and patients is protected accordingly.

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.

## **The Caldicott Guardian/Data Protection Lead responsibilities**

Ensuring implementation of the Caldicott Principles and Data Security Standards with respect to Patient Confidential Data

Ensuring that the Practice processes satisfy the highest practical standards for handling patient information and provide advice and support to Practice staff as required.

Ensuring that patient identifiable information is shared appropriately and in a secure manner. The Caldicott Guardian will liaise where there are reported incidents of person identifiable data loss or identified threats and vulnerabilities in Practice information systems to mitigate the risk.

The aim of the Caldicott Guardian is to ensure the organisation implements the Caldicott principles and data security standards; there is no need to appoint a Caldicott Guardian, but there is a need to have an Information Governance lead (sometimes referred to as a Caldicott lead) who, if they are not a clinician, will need support from a clinically qualified individual.

### **Definition of Terms**

#### **Data Protection Act 2018**

The Data Protection Act 2018 (DPA 2018) is a complete data protection system, covering general data, law enforcement data and national security data.

#### **Data Protection Officer**

An expert on data privacy, working independently to ensure compliance with policies and procedure.

#### **Data Protection Authority**

National authorities tasked with the protection of data and privacy.

#### **Data Controller**

The entity that determines the purposes, conditions and means of the processing of personal data.

#### **Data Processor**

The entity that processes data on behalf of the Data Controller.

#### **Data Subject**

A natural person whose personal data is processed by a controller or processor.

#### **Personal data**

Any information related to a natural person or 'data subject'.

#### **Processing**

Any operation performed on personal data, whether automated or not.

#### **Recipient**

The entity to which personal data is disclosed.

## The type of personal information we collect.

We currently collect and process the following information:

- Personal identifiers, contacts and characteristics (for example, name and contact details)
- Addresses- both current and previous (if within surgery boundaries)
- Data of previous and/or ongoing conditions, medications, allergies and any other data usable in a diagnostic or treatment context

Some of the personal data we process can be more sensitive in nature and therefore requires a higher level of protection. The UK GDPR refers to the processing of these data as 'special categories of personal data'. This means personal data about an individual's:

- race;
- ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- genetic data;
- biometric data (where this is used for identification purposes);
- health data;
- sexual orientation.

## Responsibilities

Cherrymead surgery is registered with the Information Commissioner. This identifies the Surgery as a corporate body and data controllers for the purpose of collating and processing personal data. When carrying out duties involving said data, employees are considered to be in charge of the trust, therefore it is unnecessary for them to be registered in their own right.

It is the responsibility of the surgery and its data protection officer, to maintain any updates to existing policy.

It is the responsibility of the staff to adhere to the DPA and raise any training issues to line management or to the DPO. Whilst the surgery as data controller will deal with any corporate provisions, the vulnerability to unauthorised disclosure rests mainly with the surgery staff. Staff have been trained to abide by surgery policy and the relevant codes of conduct, which are based on legal foundation and legislation.

It is also imperative that staff consider their conduct whenever data is exposed or could potentially be exposed to any party not directly linked to the dataset. An assessment must be made as to the relevance of disclosure, and that the person requesting disclosure is authorised to make the request.

## How we get the personal information and why we have it

Most of the personal information we process is provided to us directly by you for one of the following reasons:

- Consultations with your GP
- Consultations with other medical practitioners employed or allied to the surgery i.e., Nurses, HCA's, Physiotherapists, pharmacists, or community services.
- Consultations and appointments made through referrals to secondary care outlets, such as, hospitals, community services or rehabilitation clinics.

We also receive personal information indirectly, from the following sources in the following scenarios:

- Surveys, undertaken by the surgery with the potential outcomes of improving services for patients.
- Correspondence from private providers, usually undertaken by the patient themselves.
- NHS Digital, with the intention of planning more efficient services- this will always be anonymous.

We use the information that you have given us to:

- run the surgery.
- manage treatments and medication prescriptions.
- plan
- research health conditions, diseases, and treatments

Evidence from the confidential patient information of millions of people like you helps people who do these jobs make the best decisions for everyone. We always collect and store information about you securely and in line with the law.

We may share this information with NHS Digital, Community care services Local NHS trusts and NHS trusts within the national scope, only under the conditions needed for your ongoing treatment.

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information are:

- Healthcare provision and services**
- To perform services in the public interest**

**Your consent. You are able to remove your consent at any time. You can do this by contacting.**

Cherrymead Management,  
Cherrymead Surgery,  
Queensmead Road,  
Loudwater,  
High Wycombe,  
HP10 9XA.

## **How we store your personal information**

Your information is securely stored.

We keep medical records for varying time periods. We will then dispose your information by the most secure means as to discourage any loss or unauthorised use of data

For more detailed information on the Primary Care Retention Schedule, please follow the link:

[PCS Records Retention Schedule \(england.nhs.uk\)](https://www.england.nhs.uk/records-keeping/primary-care-records-keeping/primary-care-records-retention-schedule/)

## **Disclosure and sharing of your information.**

Information we obtain from third parties.

We sometimes receive data that is indirectly made up from your personal information from third parties whose services we use. No such information is personally identifiable to you.

We will not disclose your information to any third party without permission unless there are exceptional circumstances (i.e. life or death situations), where the law demands information to be passed on. This will always be in unity with the new information sharing principle following Caldicott's information review. This means that Health and Social Care Professionals should have the confidence to share information in the interests of their patients within the Caldicott framework. They should be endorsed by the policies of their employers, regulators, and professional bodies.

## Who are our partner organisations?

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations.

- NHS Trusts / Foundation Trusts
- GPs
- NHS Commissioning Support Units
- Independent Contractors such as Dentists, Opticians & Pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- Health and Social Care Information Centre (HSCIC)
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Voluntary Sector Providers
- Private Sector Providers
- Other 'data processors' which you will be informed of

You will be informed who your data will be shared with and in some cases asked for explicit consent for this to happen, when required.

## Your data protection rights.

Under data protection law, you have rights including:

**Your right of access** - You have the right to ask us for copies of your personal information.

**Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

**Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

**Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

**Your right to object to processing** - You have the right to object to the processing of your personal information in certain circumstances.

**Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [cherrymeadoffice@nhs.net](mailto:cherrymeadoffice@nhs.net) if you wish to make a request.

### Lawful bases for processing and the EU GDPR

Detailed information (individual privacy notices) about all our data processing activities, including lawful bases, can be found on our website, upon request from the surgery, or from the

Data Protection Officer (Dr Neil Bhatia).

We rely upon Article 6(1)(e) Official Authority and Article 9(2)(h) Provision of Health for much of our processing, in particular:

- Maintaining your electronic GP record
- Sharing information from, or allowing access to, your GP record, for healthcare professionals involved in providing you with medical care
- Referrals for specific health care purposes
- The NHS data sharing schemes
- Our data processors
- Organising your prescriptions, including sending both paper and electronic prescriptions to your chosen pharmacy
- Some permissive disclosures of information
- Accessing your information on other NHS organisation databases

We rely upon Article 6(1)(d) Vital Interests and Article 9(2)(h) Provision of Health to share information about you with another healthcare professional in a medical emergency.

We rely upon Article 6(1)(c) Legal Obligation and Article 9(2)(h) Provision of Health for mandatory disclosures of information (such as to NHS Digital, CQC).

We rely upon Article 6(1)(a) Consent and Article 9(2)(h) Provision of Health for certain permissive disclosures of information (such as to insurance companies).

We rely upon Article 6(1)(e) Official Authority and Article 9(2)(j) Research for accredited research undertaken in the surgery, with your explicit consent.

## PRIVACY NOTICE

Oakley Health Group

Dr Kristina King

Updated 28/2/2023.

### **Notification**

**The Data Protection Act 1998 requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.**



## How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at

Cherrymead Management

Cherrymead Surgery

Queensmead Road

Loudwater

High Wycombe

HP10 9XA

cherrymeadoffice@nhs.net

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>