



## PEARTREE GROUP PRACTICE

### Patient Privacy Notice

#### 1. Definitions

The following legislation will both be referred as, UK Data Protection Laws:

- EU 2016/679 GDPR: General Data Protection Regulation
- DPA 18: Data Protection Act 2018

**Personal Data:** Any information relating to an identifiable individual such as your name, NHS number, contact details, it can also be the location data or an online identifier.

**Special categories of personal data are defined as:** racial or ethnic origin, politics, religious or philosophical beliefs, trade union membership, genetics, biometrics (where used for identification) information concerning your health, sex life or sexual orientation.

#### 2. Who are we?

Peartree Group Practice is a group of practices which works over 3 different sites, Peartree Lane Surgery, Moorswalk Surgery and HollyBush Surgery. The Practices provide services on behalf of NHS England. As your registered GP Practice, we are the data controller for any personal information we hold about you.

#### 3. Who can you contact regarding your personal information we hold?

If you have any questions or concerns about the information we hold about you, please do not hesitate to contact the practice or contact to below:

Jitka Stacey  
Peartree Group Practice  
110 Peartree Lane  
Welwyn Garden City  
Hertfordshire  
AL7 3UJ  
Email: [Peartree.general@nhs.net](mailto:Peartree.general@nhs.net)

Data Protection Officer (DPO):

Jackie Knowles  
Herts, Beds and Luton ICT Services  
Charter House  
Parkway  
Welwyn Garden City  
Herts AL8 6JL  
Email: [enhertsccg.dpo.hblict@nhs.net](mailto:enhertsccg.dpo.hblict@nhs.net)

You have the right to complain with a supervisory authority, in the UK, this is the Information Commissioners Office (ICO)

Information Commissioners Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 03031231113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

#### 4. What are your rights?

If we need to use your personal information for any reason beyond those above, we will discuss this with you and ask for explicit consent. Under the UK Data Protection Laws, you have the following rights.

Please note that the rights below may not apply in all circumstances.

YOUR RIGHTS	FURTHER INFORMATION ABOUT YOUR RIGHTS
The right to be informed	As a controller, we are obliged to provide understandable and transparent information about the way we process your data (this is provided within the privacy notice).
The right of access	You are entitled to request a copy of the personal data we hold about you (see the section below, how to request your record).
The right to notification	Request the correction of inaccurate or incomplete information on your health records, subject to certain safeguards.
The right to erasure	Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data.
The right to restrict processing	Under certain circumstances, you may ask us to stop processing your personal data. We will still hold the data but will not process it any further.
The right to data portability	Subject to certain conditions, you may request a copy of your personal data to be transferred to another organisation.
The right to object to processing	You have the right to object to our processing of your data where: Processing is based on legitimate interest. Processing involves automated decision-making and profiling. Processing would be for a purpose beyond your care and treatment, e.g. direct marketing and scientific or historic research. You can opt-out to the sharing of this information under the National Data Opt-Out. Further

	<p>information can be found on the following website,  <a href="https://digital.nhs.uk/services/national-data-optout">https://digital.nhs.uk/services/national-data-optout</a></p>
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**Text Messaging opt-out**

From time to time you may receive text messages from the practice. You will only receive these texts if you have opted into this service at registration. If you no longer wish to receive text messages from the practice, then you can change your mind at any time. Please contact the reception/admin team if you would prefer not to receive this form of communication.

**Keep us informed of any changes**

Please let us know if you change any of your details e.g. address, telephone number etc. so that our records are up to date.

**5. How to request a copy of your record or submit a data protection complaint?**

You can request a copy of your record or submit a data protection complaint in writing via letter or email to [peartree.general@nhs.net](mailto:peartree.general@nhs.net). Your request will then be signposted to the Privacy Officer who will ensure that the correct service receives your request promptly.

To process the request, you will need proof of your identity as follows:

Driving licence, Passport, Work ID badge, Bus Pass or a witness to your signature by someone who is over 18 and is not a relative (preferably by your doctor/solicitor on their headed business paper) as proof of identity.

Bank statement, Pay slip, Utility bill or a letter on headed paper from a local authority or similar as proof of residence.

If you are a Representative acting on a data subject behalf, you will need proof of your identity as well as proof that the data subject is freely giving consent to the request or you have the appropriate legal authority.

**6. Why do we collect personal information about you?**

The staff caring for you need to collect and maintain information about your health, treatment and car so that:

- Accurate and up to date information is available in order to provide the best possible care and treatment for you.
- The information is available should you need another form of care, for example referral to another service.
- We can review the type and quality of care you received and make the necessary changes in order to provide the best care available.
- Your concern can be properly investigated if you have a complaint.
- Statistics and management information for Commissioners.



This personal information can be held in a variety of formats including paper records, electronically on computer systems and in video and audio files.

## **7. What information we collect and how do we obtain it?**

Personal information about you is collected in a number of ways. This can be from referral details from our staff, other 3rd parties or hospitals, directly from you or your authorised representative. This information is held in written form and/or in digital form.

We will collect basic 'personal data' about you once you register with us such as;

- Your name, address, date of birth, NHS number, preferred name or maiden name, gender.
- Your contact details, next of kin, carer details, Power of Attorney or another representative you have appointed.
- We might also hold your marital status and occupation.
- Details of any complaints or incidents. In addition to the above we may also hold more sensitive personal data called 'special category data' which could include:
  - Ethnicity, disability, religion
  - Sexual history including partners, sexual orientation where relevant.
  - Details of appointments and visits.
  - Notes and reports about your health, treatment and care including prescriptions.
  - Results of investigations, such as x-rays and laboratory tests.
  - Images and recordings.
  - Information provided by others health or social care professionals.
  - Future care you may need.
  - Smoking status.
  - Whether or not you are subject to any protection orders regarding your health, wellbeing and human rights (safeguarding status).
  - School information and information about your family health, wellbeing or social history.
  - Any special needs or preferences for receiving information. If you don't provide the information, your care will be compromised

## **8. What is our legal basis for processing your information?**

In order for Peartree Group Practice to legally process your information a 'lawful basis' needs to be identified. Data Protection Law recognises the difference between personal data and that of a more sensitive nature known as special categories of data; such as racial or ethnic origin, political opinions, religious beliefs, trade union activities and physical or mental health.

Our legal basis for processing your personal information falls under one of the following legal bases:

- Performance of a task carried out in the public interest or in the exercise of official authority.
- Necessary for a legal obligation such as responding to a request from a coroner.
- Necessary for reasons in the area of public health, such as in the event of an outbreak of a disease.
- Consent for Marketing purposes. We provide newsletter and other information to a wide range of groups within our services including individuals involved with our Citizens Panel.



- Carers Groups and volunteer networks. All our communication will also provide options for changing preferences and how to opt out at any time, should you change your mind.

Our legal basis for processing special category data falls under one of the following legal bases:

The provision of health or social care.

- Social protection law for safeguarding purposes.
- Where it is necessary to protect your vital interests when you are physically or legally incapable or providing consent.

Therefore, Peartree Group Practice does not require consent to process your personal data. However, you do have the right to say “no” to our use of your information but this could have an impact on our ability to provide you with care.

## **9. How do we use and share your information?**

Your records are used:

- By healthcare professionals to make care decisions with and about you.
- To make sure that your care is safe and effective.
- To support working with others who provide your care. We may also use or share your information for the following purposes:
  - If it is in your interests.
  - Looking after the health of the general public.
  - To ensure that our services can meet patient needs in the future.
  - Preparing statistics on NHS performance and activity.
  - Investigating concerns, complaints or legal claims.
  - Helping colleagues review the care they provide to make sure it is of the highest standards.
  - Training and educating staff.
  - For research purposes, (we will always ask your consent for this).
  - Recommendations for special arrangements at home.
  - To manage incidents that you have been involved in.
  - Requests for information from official authorities or your representative.
  - Your records if the service is transferring to us under contract or if you are moving out of the area.
  - The prevention and detection of crime.
  - Funding requests or payments.
  - Integrated care initiatives.
  - Legal advice or proceedings.
  - Responding to legal requests and court orders.
  - Public health notifications.

In some circumstances we may anonymise your information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

We support approved research projects where identifiable information is used and you may be asked if you would be willing to take part but you do not have to agree if you do not want to.

## 10. Who do we share your information with?

We may need to share relevant personal information with other NHS organisations for healthcare purposes along with information from your health records with other non-NHS organisations from which you are also receiving care, such as Social Services or private care homes. However, we will not disclose any health information to third parties without your consent unless there are circumstances, such as when the health or safety of others is at risk or current legislation permits or requires it. Below is a list of recipients we may share your information with:

- NHS England (NHSE), NHS Digital (NHSX) and NHSX User experience.
- NHS Trusts.
- Primary Care Services, Urgent care organisations, minor injury units or out of hours services.
- Primary Care Network (PCN).
- Clinical Commissioning Groups (CCGs).
- Local Authorities – Social Care.
- Child and Adolescent Mental Health Services (CAMHS) and Mental Health Trusts.
- Prison service relating to prison healthcare.
- Local Safeguarding Boards (MASH).
- Care Quality Commission (CQC) Regulators.
- We may use trusted providers to host our IT, archiving, email and texting services and survey.
- Community Services such as district nurses and rehabilitation services.
- Child health services that undertake routine treatment or health screening.
- Community and palliative care hospitals.
- Care homes.
- Dentists, opticians, pharmacists.
- Private Sector Providers.
- Police or other law enforcement agencies.

The following provides you with an overview of the types of sharing:

### **Local Information Sharing to support your direct care**

Your local GP electronic patient record is held securely and confidentially on an electronic system managed by your registered GP practice. However, if you require attention from a health professional such as Emergency Department, Minor Injury Unit or Out of Hours service, the professionals treating you are better able to give you safe and effective care if relevant information from your GP record is available to them.

Your permission will be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the healthcare professional is unable to ask you and this is deemed to be in your best interest (which will then be recorded in your record). Under the legislation, Health and Social Care Act 2015, NHS Digital can request personal confidential data from GP Practices without seeking patient consent for a number of specific purposes, which are set out in law. These purposes are explained below:



## **Cardiovascular Disease Audit**

NHS England has directed NHS Digital to collect and analyse data in connection with Cardiovascular Disease Prevention Audit, CVDPREVENT Audit.

CVDPREVENT is a national primary care audit to support professionally led quality improvement in the diagnosis and management of 6 high risk conditions that cause stroke, heart attack and dementia; atrial fibrillation (AF), high blood pressure, high cholesterol, diabetes, non-diabetic hyperglycaemia and chronic kidney disease. The audit data will support practices and Primary Care Networks (PCNs) to identify gaps, inequalities and opportunities for improvement in clinical care. IT will provide the care data to assist General Practices and PCNs to meet the requirements of the PCN Directed Enhanced Service for CVD prevention, (scheduled for April 2021), as well as local improvement schemes.

## **Clinical audit**

Information will be used by the CCG for clinical audit to monitor the quality of the service provided to patients with long term conditions. When required, information will be held centrally and used for statistical purposes (e.g. the National Diabetes Audit). When this happens, strict measures are taken to ensure that individual patients cannot be identified from the data.

## **Clinical Research**

If we receive requests from organisations to use health information for research purposes – we will always ask your permission before releasing any information for this purpose.

## **Improving Diabetes Care**

Information that does not identify individual patients is used to enable focussed discussions to take place at practice-led local diabetes review meetings between health care professionals. This enables the professionals to improve the management and support of these patients.

## **Individual Funding Request**

An 'individual Funding Request' is a request made on your behalf, with your consent, by a clinician, for funding of specialised healthcare which falls outside the range of services and treatment that the CCG has agreed to commission for the local population.

## **National Registries**

National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

## **Risk Stratification**

'Risk stratification for case finding' is a process for identifying and managing patients who have or may be at-risk of health conditions (such as, diabetes) or who are most likely to need healthcare services (such as people with frailty). Risk stratification tools used in the NHS help determine a persons' risk of suffering a particular condition and enable us to focus on preventing ill health before it develops.



Information about you is collected from a number of sources including NHS Trusts, GP Federations and your GP Practice. A risk score is then arrived at through an analysis of your de-identified information. This can help us identify and offer you additional services to improve your health.

Risk stratification data may also be used to improve local services and commission new services, where there is an identified need. In this area, risk stratification may be commissioned by the Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for risk stratification purposes. Further information about risk stratification is available from <https://www.england.nhs.uk/ig/risk-stratification/>.

### **Safeguarding**

To ensure that adult and children's safeguarding matters are managed appropriately, access to identifiable information will be shared in circumstances where it's legally required for the safety of the individuals concerned.

### **Supporting Medicines Management**

CCGs operate pharmacist and prescribing advice services to support local GP Practices with prescribing queried, which may require identifiable information to be shared. These pharmacists work with your usual GP to provide advice on medicines and prescribing queries and review prescribing of medicines to ensure that it is appropriate for your needs, safe and costeffective. Where specialist prescribing support is required, the CCG medicines optimisation team may order medications on behalf of your GP Practice to support your care.

### **Support Locally Commissioned Services**

CCGs support GP Practices by auditing anonymised data to monitor locally commissioned services measure prevalence and support data quality. The data does not include identifiable information and is used to support patient care and ensure providers are correctly paid for the services they provide.

### **Invoice Validation**

Invoice validation enables us to identify which CCG is responsible for paying for your treatment. Section 251 of the NHS Act 2006 provides a statutory legal basis to process data for invoice validation purposes and uses your NHS number to validate payment. We can also use your NHS number to check whether your care been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

**The Friends and Family Test (FFT)** NHS organisations including Peartree Group Practice are required to use the FFT to capture feedback and submit response data to NHS England each month.

We collect this data from a number of channels, including SMS text messaging, online via our website and paper questionnaires/feedback forms. The data collected is anonymised and sent to the supplier IQVIA.



We are required by law to report certain information to appropriate authorities. We will only breach confidentiality after careful consideration and our reasons and actions will be documented fully.

Examples of this are:

- Notification of infectious diseases which may endanger the safety of others.
- When a court order instructs us to do so.
- To protect children or vulnerable adults.

### **11. Covid-19 – Shielded patient list**

The Department of Health and Social Care has directed NHS Digital to collect this data for the purpose of direct care in response to the spread of the Covid-19 virus (also known as coronavirus).

The objective of this collection is on an ongoing basis to identify who may be clinically extremely vulnerable if they contract Covid-19.

The data collected will be analysed and linked with other data NHS Digital holds to identify a list of clinically extremely vulnerable patients who will be advised to take shielding measures to protect themselves.

Patient level data including name, address NHS number and GP Practice will be collected for identified patients.

### **12. National Data Opt-Out**

The national data opt-out was introduced on 25 May 2018, enabling patients to opt out from the use of their personal data for research or planning purposes, in line with the recommendations of the National Data Guardian in her Review of Data Security, Consent and Opt-Outs.

Patients can view or change their national data opt-out choice at any time by using the online service at [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters) or by calling 0300 303 5678.

If you are happy with this use of information you do not need to do anything. If you do choose to opt-out your confidential patient information will still be used to support your individual care.

Type 1 opt-out: Medical records held at your GP Practice.

You can tell your GP Practice if you do not want your confidential patient information held in your GP medical record to be used for purposes other than your individual care. This is commonly called a type 1 opt-out. This opt-out request can only be recorded by your GP Practice.

### **13. Your Summary Care Record (SCR)**

Your Summary Care Record is a short summary of your GP medical record. It tells other health and care staff who care for you about the medicines you take and allergies. This means they can give you better care if you need health care away from your usual GP practice.

- In an emergency



- When you're on holiday
- When your surgery is closed
- At out-patients' clinics
- When you visit a pharmacy.

### **Protecting your SCR information**

Staff will ask your permission to look at your SCR (except in an emergency where you are unconscious, for example) and only staff with the right levels of security clearance can access the system, so your information is secure.

### **Opting out**

SCRs improve care but if you do not want to have one you can opt out. Tell your GP Practice of fill in a SCR opt out form and give it to your GP Practice.

### **14. How do we keep your information secure?**

We take the security of your personal data very seriously. We have operational policies and procedures in place to protect your information whether it is in hard copy or electronic format.

We protect your information in the following ways:

**Training:** Staff are trained to understand their duty of confidentiality and their responsibilities regarding the security of patient data, this includes their mandatory annual training in data security and confidentiality to demonstrate they understand and comply with Practice policies and confidentiality.

**Access Controls:** Any member of staff who has access to personal confidential data will have a username and unique password. This will reduce the risk of unauthorised access to your personal data and all access is auditable.

**Technical measures:** We complete due diligence and impose contractual obligations on our trusted providers and persons working under our instruction.

We have a duty to:

- Maintain full and accurate records of the care we provide to you.
- Keep records about you confidential and secure.
- Provide information in a format that is accessible to you.

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018
- General Data Protection Regulation 2016
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality and Information Security
- Health and Social Care Act 2015



- And all applicable legislation.

We maintain our duty of confidentiality to you at all times. We will only ever use or pass on information about you if we reasonably believe that others involved in your care have a genuine need for it.

We will not disclose your information to any third party without an appropriate legal basis and there are exceptional circumstances (such as risk of serious harm to yourself or others) or where the law requires information to be passed on.

### **15. How long do we keep your information?**

Your personal information is held in both paper and electronic forms for specified periods of time as the NHS Records Management Code of Practice for Health and Social Care 2016 and National Archives requires.

### **16. Social Media and our Website**

When you contact us through social media such as Facebook, we hold your information and reason for your contact in our social media management portal to enable us to easily access and manage our engagements with you. This may result in us sharing your information with other parties within Peartree Group Practice e.g. individuals involved in your care, managing your complaint.

When you visit our website, we collect standard internet log information and details of visitor behaviours. This is statistical data only which we collect in order to find out the numbers of visitors to the site and the pages visited. The information is collected in such a way that does not identify individuals and we do not make any attempts to identify this way.

### **17. Record Sharing Programmes**

In order to provide you with the most integrated health and social care services, there are numerous national and regional initiatives in place to securely link different clinical systems via such technology as GP Connect or the MIG. This allows health and social care professionals to access to your clinical records when they are providing direct care services to you. Security and protection of your data is managed through robust national and local agreements.

**My Care Record (MCR)** this is a local record sharing initiative that promotes the safe, transparent sharing of your healthcare records for the purpose of your direct care needs.

The MCR currently allows the sharing of patient records with local partner organisations. To ensure that those partner organisations comply with the law and to protect the use of your information, we have robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those intended purposes only.

For more information of the MCR initiative and a list of the organisations who have signed data sharing agreements to promote this integrated care model, please follow the link:

<http://www.mycarerecord.org.uk/>



**Extended Access** this service is part of the MCR initiative of electronic health record sharing and provides you with access to GP appointments outside of our regular practice hours. In order to provide you with this service, we have formal arrangements in place with the Clinical Commissioning Group (CCG), the local GP Federation, and other practices. The local GP Federation (a group of local GP practices) offers this service on our behalf. This means the Federation will need access to your healthcare record to be able to offer you the service. To ensure that each organisation involved in the Extended Access service comply with the law and to protect the use of your information, we have very robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those purposes only. The Extended Access service is managed by Ephedra Federation and the practices included are as follows:

Wrafton House Surgery  
Peartree Surgery  
Garden City Surgery  
Hallgrove Surgery  
Spring House Surgery  
Burvill House Surgery  
Potterells Surgery  
Lister House Surgery  
Bridge Cottage Surgery

**Primary Care Networks (PCN)** this practice is part of the WGC PCN. The PCN includes other local organisations such as: GP practices, community, mental health, social care, pharmacy, hospital and voluntary services, working together as participating organisations in the MCR programme. This enables a greater provision of proactive, personalised, coordinated and more integrated health and social care for you. In order to provide you with these services, we have formal arrangements in place. To ensure partner organisations comply with the law and to protect the use of your information, we have robust data sharing agreements and other clear arrangements in place to ensure your data is always protected and used for those intended purposes only.

Further information about the provider services within our PCN can be requested from the practice.

**Local PCN membership of GP practices can be found here:**

<https://www.enhertscg.nhs.uk/primary-care-networks-pcns>

**Further information about PCNs can be found here:**

<https://www.england.nhs.uk/primary-care/primary-care-net>

## **18. Contract end and provisions**

In the event of the contract between Peartree Group Practice and the CCG coming to an end all relevant documentation and records will be transferred to the new provider.

The transfer of records will be conducted in accordance with the current UK Data Protection Law.



### **19. Changes to our privacy notice**

We will update this privacy notice from time to time to reflect any changes in legislation and our way of working.