

Privacy Notice – Recording telephone calls

Charter Medical Centre

Plain English explanation

We record all our incoming and outgoing telephone calls for two reasons: to protect patients and staff and other health workers. Patients are protected by our having a record of our conversations with you, staff and other health workers are protected from potential abuse. Secondly we may occasionally use recordings for staff training and quality control (for instance, complaints) and potentially for crime prevention.

When you register with us we will make this clear to you and we will also make this clear to you each time you telephone us by using an automated message.

Where telephone consultations with clinicians are carried out, detailed written documentation of such calls is added to the patient's notes. Calls to other staff may also be documented in writing in the medical record if relevant and necessary for your direct care.

Our recordings are stored by Storacall Technology Ltd, trading as X-on.

We have a contract with X-on to act as our Data Processor where they agree to comply with all Data Privacy Laws. Calls are stored for three months before being routinely deleted.

The NHS guidelines allow for storage of Person Identifiable Information (PID) within the cloud provided the required security standards are met, and the data is contained within the England boundary. X-on cloud storage meets these audited requirements.

The storage of this and other data is governed by the NHS IGT (Information Governance Toolkit) regulations and X-on is a registered supplier.

Some key aspects of the requirements to which X-on adhere:

- Call recordings and SMS Messages are encrypted at rest
- Call recordings are accessed through secure encrypted connections via password controlled access
- All data is permanently deleted after agreed retention periods
- All data is securely held in UK data centres under control of X-on
- Geographic redundancy to avoid data loss in a major disaster

X-on maintains accreditations with ISO 9001 (Quality Management of Systems requirements), ISO 27001 (information security standards), ICO (data protection act compliance), IGT (NHS digital services access requirements), SBS CARAS2 Framework, are a Crown Commercial Service and RM1045 Supplier, and are PCI-DSS (credit card security rules) Level 1 Providers.

These recordings will not usually be shared outside the practice.

If we hold recordings that have not been deleted you can ask for copies (contact the Data

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Protection Officer). You can also ask for a call to be deleted.

If you object to your call being recorded we can delete it immediately afterwards (contact the Data Protection Officer)

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) Data Controller contact details	Charter Medical Centre 88 Davigdor Road, Hove, East Sussex, BN31RF BHCCG.G81034Charter@nhs.net
2) Data Protection Officer contact details	Nina Graham, nina.graham@nhs.net Telephone: 01273 770555
3) Purpose of the processing	To facilitate your access to care.
4) Lawful basis for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5) Recipient or categories of recipients of the processed data	Necessary data will be shared with Health and care professionals and support staff in this surgery. Clinical data or records of consultations may be transcribed or appended to the records we hold on you and may thence be shared at hospitals, diagnostic and treatment centres who contribute to your personal care. Actual recordings will not be shared with anyone outside the practice. Please see our Privacy Notice for Direct Care. The actual recordings are stored by Storacall Limited trading as X-on.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance

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7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. We can provide copies of recordings. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	We will keep recordings three months. Clinical data transcribed from your telephone or other electronic consultations becomes part of your clinical record and is retained according to relevant rules and regulations, see Privacy Notice on Direct Care.
9) Right to Complain.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate)_or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)

* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.