**LADYWELL MEDICAL CENTRE EAST**

**DATA PROTECTION NOTICE FOR PATIENTS**

This is a specific Data Protection Notice for Patients registered with Ladywell Medical Centre East

and sets out the information required under the Data Protection Act 2018.

About Ladywell Medical Centre East

The practice is an independent contractor providing primary medical services by way of a contract with NHS Lothian, made under the National Health Service (Scotland) Act 1978 (the 1978 Act). It is one of the organisations which form part of NHS Scotland (**NHSS**).

NHS Lothian is a public organisation created in Scotland under section 2 of the National Health Service (Scotland) Act 1978 (the 1978 Act). It is one of the organisations that form part of NHS Scotland (NHSS).

Ladywell Medical Centre East will be Joint Data Controllers with NHS Lothian in respect to the data held about you in the practice. You can view the NHS Lothian Data Protection Notice here www.nhslothian.scot.nhs.uk/yourrights/dataprotection

The personal information we use includes information that identifies you such as your name, address, date of birth, postcode, next of kin details and any other personal information that you provide when you register with the practice.

We will also use your current and past medical history which includes detail about your treatment and care, notes and reports about your health, medication, results of investigations such as laboratory tests and x-rays.

About the personal information we use

We use personal information on different groups of individuals including:

* Patients
* Staff
* Contractors
* Suppliers
* Complainants, enquirers
* Survey respondents
* Professional experts and consultants
* Individuals captured by CCTV

The personal information we use includes information that identifies you like your name, address, date of birth and postcode.

We also use more sensitive types of personal information, including information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, health, sex life or sexual orientation.

The information we use can relate to personal and family details, education, training and employment details, financial details, lifestyle and social circumstances, goods and services, visual images, details held in the patient record, responses to surveys.

**Our purposes for using personal information**

Under the 1978 Act, Ladywell Medical Centre East has the statutory responsibility to provide or arrange for the provision of a range of healthcare, health improvement and health protection services. We are given these tasks so that we can help to promote the improvement of the physical and mental health of the people of NHS Lothian and assist in operating a comprehensive and integrated health service in Scotland.

We use personal information to enable us to provide healthcare services for patients. Your information is used to:

* Provide a basis for all health decisions made by care professionals with and for you;
* Make sure your care is safe and effective;
* Work effectively with others providing you with care;
* Send text notifications about appointment reminders or service updates. You can opt out of the text notification service at any time by phoning the practice on 0131 334 5000.

We may also use, or share, your information for the following purposes:

* Looking after the health of the general public;
* Making sure that our services can meet patient needs in the future;
* Auditing - Using patient health information to review and improve the quality of healthcare.

Patient identifiable information is only used within the practice. (Patients have the right to

request that their health information is not included in audits);

* Preparing statistics on NHS performance and activity (where steps will be taken to ensure

you cannot be identified;

* Investigating concerns, complaints or legal claims;
* Helping staff to review the care they provide to make sure it is of the highest standards;
* Training and educating staff;
* Data matching under the national fraud initiative;
* Practice participation in research: Research is essential for progress in healthcare and is of considerable benefit to individual patients and the public as a whole. We sometimes take part in research studies with the help of experienced NHS staff who search medical records for people who might be suitable so that we can write to them asking if they are interested in taking part. No personal identifiable data is removed from the NHS or provided to any researchers without specific consent from patients. Patients have the right to opt out of being contacted about research studies. Please let the reception staff or your GP know if you wish to opt out.
* Supporting and managing our employees
* Maintaining our accounts and records
* The use of CCTV systems for crime prevention

**Our legal basis for using personal information**

Ladywell Medical Centre East, as data controller, is required to have a legal basis when using personal information. Ladywell Medical Centre East considers that performance of our tasks and functions are in the public interest.

When we are using personal information including sensitive types of personal information, including health information, our legal basis is that the use is necessary:

* provision of health or social care or treatment or the management of health or social care systems and services; or
* for reasons of public interest in the area of public health; or
* for reasons of substantial public interest for aims that are proportionate and respect people’s rights, for example research; or
* in order to protect the vital interests of an individual; or
* for the establishment, exercise or defence of legal claims or in the case of a court order

In some situations we may rely on a different legal basis, for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services. Another example would be for compliance with a legal obligation to which Ladywell Medical Centre East is subject to, for example, under the Public Health etc. (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this, we will explain what it means, and the rights that are available, to you. You should be aware that we will continue to ask for your consent for other things like taking part in a drug trial, or when you are having an operation.

**Who provides the personal information**

When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of health and care services in Scotland.  These include other NHS Boards and primary care contractors such as GPs, dentists, pharmacists and opticians, other public bodies e.g. Local Authorities and suppliers of goods and services.

**Sharing personal information with others**

We work with a number of other NHS and partner agencies to provide healthcare services to you. When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of healthcare and care services in Scotland. Depending on the situation, where necessary, we will share appropriate, relevant and proportionate personal information in compliance with the law with organisations such as those listed below.

* Our patients and their chosen representatives or carers
* Staff
* Current, past or potential employers
* Healthcare social and welfare organisations
* Suppliers, service providers, legal representatives
* Auditors and audit bodies
* Educators and examining bodies
* Research organisations
* People making an enquiry or complaint
* Financial organisations
* Professional bodies
* Trade Unions
* Business associates
* Police forces
* Security organisations
* Central and local government
* Voluntary and charitable organisations

**Our Partner Organisations:**

* Other NHS hospitals
* Relevant GP Practices
* Dentists, Opticians and Pharmacies - if you give us written consent we will allow your pharmacy and/or a named person to pick up your repeat prescriptions.
* Private Sector Providers (private hospitals, care homes, hospices, contractors providing

 services to the NHS)

* Voluntary Sector Providers who are directly involved in your care
* Ambulance Service
* Specialist Services
* Out of Hours Medical Service
* NHS Scotland

We may also share your information with your consent, and subject to strict sharing protocols, about how it will be used, with:

* Health and Social Care
* Police and Fire Services
* Central and local government

**Emergency Care Summary (ECS)**

Emergency care information such as your name, date of birth, the name of your GP, any medicines which your GP has prescribed, any medicines you are allergic to or react badly to, is shared with Out of Hours as this might be important if you need urgent medical care when the GP surgery is closed.

NHS staff (Doctors, Nurses, Accident and Emergency, Ambulance control and crews) can look at your ECS if they need to treat you when the surgery is closed. They will ask for your consent before they look at your records.

In an emergency and if you are unconscious, staff may look at your ECS without your agreement to let them give you the best possible care.

Whenever NHS staff looks at your ECS, a record will be kept so we can always check who has looked at your information.

You have the right to say that you do not want Care staff to see ECS. Please contact the Practice on 0131 334 5000 to let us know.

**Key Information Summary (KIS)**

Key information summary (KIS) has been designed to support patients who have complex care needs or long term conditions.

KIS allows important information to be shared with health care professionals in unscheduled care in the NHS 24, A&E, Scottish Ambulance Service, Out of Hours, hospital and pharmacy environments.

Information contained in KIS summary includes, future care plans, medications, allergies, diagnosis, your wishes, carer and next of kin details.

You have the right to say that you do not want Care staff to see your KIS. Please contact the Practice on 0131 334 5000 to let us know.

**Age of Consent**

* Children aged 12 and over who understand confidentiality and are competent to make the decision, will need to sign a consent form allowing their parents/guardians to have access to appointments, test results etc. This does not exclude the doctor from disclosing information if he/she needs to do so for the vital interests of the child aged 12 and over.

**Power of Attorney**

* We will require a legally certified copy of your Power of Attorney which will be held securely in the practice. This will allow us to share information with your Power of Attorney should the need arise.

**Who Else May Ask to Access Your Information**

* The **Court** can order that we disclose medical records to them;
* **Solicitors** often ask for medical reports. We will require your signed consent for us to disclose information. We will not normally release details about other people that are contained in your records (e.g. wife, children, parents etc.) unless we also have their consent;
* **Social Services** - The Benefits Agency and others may require medical reports on you from time to time. We will need your signed consent to provide information to them.
* **Life Assurance Companies/Employers/Occupational Health Doctors** frequently ask for medical reports on individuals. These are always accompanied by your signed consent form.

We will only disclose the relevant medical information as per your consent. You have the right, should you request it, to see reports prepared for Insurance Companies, employers or Occupational Health doctors before they are sent.

**Sharing Your Information without Consent**

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

* Where there is a serious risk of harm or abuse to you or other people
* Where a serious crime, such as assault, is being investigated or where it could be prevented
* Where we encounter infectious diseases that may endanger the safety of others, such as

meningitis or measles (but not sensitive information such as HIV/AIDS)

* Where a formal Court Order has been issued
* Where there is a legal requirement, e.g. if you had committed a Road Traffic Offence

Ladywell Medical Centre East is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified when using our website; you can be assured that it will only be used in accordance with this privacy notice.

* Information you supply using any electronic form on the practice website will only be used

 for the purpose stated on the form.

**Transferring personal information abroad**

It is sometimes necessary to transfer personal health information overseas, for example, if you require urgent medical treatment abroad. When this is needed, information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with NHS Scotland Information Security Policy.

**Retention periods of the information we hold**

Within Ladywell Medical Centre East we keep personal information as set out in the Scottish Government Records Management: HEALTH AND SOCIAL CARE CODE OF PRACTICE (SCOTLAND) 2020. The Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records. As directed by the Scottish Government in the Records Management Code of Practice, we maintain a retention schedule as part of our Records Management Policy detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

**How we protect your personal information**

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure and confidential. The following security measures are in place to protect personal information.

* All staff undertake mandatory training in Data Protection and IT security
* Compliance with NHS Scotland Information Security Policy
* Organizational policy and procedures on the safe handling of personal information
* Access controls and audits of electronic systems
* The Data Protection Act 2018 (which is overseen by the Information Commissioner’s Office ICO)
* Article 8 of the Human Rights Act
* Access to Health Records Act 1990
* NHS Scotland Code of Practice on Protecting Patient Confidentiality
* NHS Scotland Information Governance Standards 2005
* The Common Law Duty of Confidentiality
* The NHS Codes of Confidentiality, Information Security and Records Management

Everyone working for Ladywell Medical Centre East must use personal information in a secure and confidential way. We will only ever use or pass on your information if there is a genuine need to do so. We will not disclose information about you to third parties without your permission unless there are exceptional circumstances, such as when the law requires.

To protect your confidentiality, we will not normally disclose any medical information about you over the telephone, or by fax, unless we are sure that we are talking to you. This means that we will not disclose information to your family, friends, and colleagues about any medical matters at all, unless we know that we have your consent to do so.

Your personal/medical information is stored in paper form (prior to November 2005) and in electronic form on the practice IT system which is controlled and protected by NHS Lothian.

**Your rights**

Ladywell Medical Centre East must explain how we use your personal information. We use a number of ways to communicate how personal information is used including:

* This Data Protection Notice
* Information leaflets
* Discussions with staff providing your care

**The right to access**

You have the right to obtain the personal/medical information that we hold about you.

This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

* Confirmation that your personal information is being held or used by us
* Access to your personal information
* Additional information about how we use your personal information

In order to do obtain your information you should make a “subject access request” (SAR). Although we must provide this information free of charge, if your requests are considered to be excessive we may charge a reasonable fee.

Your request may be verbal or in writing. To ensure we process your request correctly it would be helpful if you could complete our SAR Request Form. You can obtain a copy from reception or download a copy from our website: [www.ladywelleast.co.uk](http://www.ladywelleast.co.uk)

You may also submit a written request to the Practice Manager at the following address:

Practice Manager

Ladywell Medical Centre East

26 Featherhall Avenue

Edinburgh
EH12 7UN

Telephone: 0131 334 5000

Once we have received your request and you have provided us with enough information for us to locate your personal information, we will respond to your request without delay, within one month. However If your request is complex we may take longer to respond.  If this is the case we will tell you and explain the reason for the delay.

**The right to rectification**

If you believe that any of your personal information we hold about you is inaccurate or incomplete, you have a right to request that we correct or complete the information.

If it is agreed that your personal information is inaccurate or incomplete we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex.  However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request.  Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

 If on consideration of your request Ladywell Medical Centre East does not consider the personal information to be inaccurate then we may add a comment to your record stating your concerns about the information. If this is case we will contact you within one month to explain our reasons for this.

If you are unhappy about how Ladywell Medical Centre East has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner’s Office, or how to take legal action.

**The right to object**

When Ladywell Medical Centre East is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided Ladywell Medical Centre East can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

**Other rights**

There are other rights under current Data Protection Law, however, these rights only apply in certain circumstances. For further information on these rights please visit [www.ico.org.uk/for-the-public](http://www.ico.org.uk/for-the-public)

**The right to complain**

Ladywell Medical Centre East employ a Data Protection Officer to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information, please tell our Data Protection Officer using the contact details below:

Data Protection Officer

IT Governance

Woodlands House

74 Canaan Lane

Edinburgh
EH9 2TB

Phone: 0131 465 5444

Email: lothian.DPO@nhslothian.scot.nhs.uk

*Please note emails from your private address may not be secure*

You also have a right to raise a complaint with the Information Commissioner’s Office at [www.ico.org.uk](http://www.ico.org.uk) and select “make a complaint”

**Change of Details**

It is important that you tell us if any of your details such as your name, address or telephone number has changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are kept accurate and up to date at all times.

**DataLoch**

This GP practice has agreed to take part in the DataLoch research programme. Both your GP practice and NHS Lothian are the data controller for the DataLoch programme (Data is only hosted within NHS Lothian), and are working in partnership with the University of Edinburgh. The aims of the DataLoch programme are to support research for the benefit of local residents in the South-East Scotland region. A Data Sharing Agreement is in place that overs the sharing of patient data with DataLoch, and all approved research is anonymous.

In line with data protection legislation, the legal basis that permits processing of patient data is:

6(1)(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

9(2)(j) – processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

The DataLoch website covers the researcher data, public enquiries, and newsletter subscriptions for which the University of Edinburgh is the data Controller: https://dataloch.org/privacy-notice

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Reviewed: August 2023

Next review: August 2024