**PRIVACY NOTICE: DIRECT AND EMERGENCY CARE SUMMARY**

|  |  |
| --- | --- |
| The Emergency Care Summary is a service provided by NHS National Services Scotland where your data will be held on the Community Health Index (CHI). It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in Scotland. The basic data is automatically extracted from your GP’s electronic record system and uploaded to the central system GPs are required by their contract with the NHS to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS number of the patient  As well as this basic record additional information can be added, and this can be far reaching and detailed. However, whereas the basic data is uploaded automatically any additional data will only be uploaded if you specifically request it and with your consent.  Emergency Care Summary can only be viewed within the NHS organisations such as pharmacies, contracted to the NHS, OOH services.  You can find out more about the ECS here:  <http://www.ecs.scot.nhs.uk/wp-content/uploads/2012-02-09-KIS-FAQs-v2.1.pdf>  You have the right to object to our sharing your data in these circumstances and you can ask your GP to block uploads.  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 | Lochgilphead Medical Centre  Mid Argyll Community Centre, Blarbuie Road, Lochgilphead, Argyll, PA31 8JZ  01546 462002 |
| **2) Data Protection Officer** contact details | Dr Jeremy Phillips  01546 462002 |
| 3) **Purpose** of the processing | Upload of basic and detailed additional ECR data |
| 4) **Lawful basis** for processing | 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:  *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.*  *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...”*  We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”\* |
| 5) **Recipient or categories of recipients** of the processed data | The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care. [if possible list actual named sites such as local hospital)(s) name] |
| 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 |
| 7) **Right to access and correct** | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance. |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office if you have a concern relating to the handling of your data, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1115 (local rate)  Or by writing to them:  The Information commissioner’s Office – Scotland  45 Melville Street  Edinburgh  EH3 7HL  Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk) |

\* “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.

|  |  |
| --- | --- |
| This practice keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.  When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by NHS National Services Scotland, a national organisation which has legal responsibilities to collect NHS data.  GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, on average an NHS GP has between 1,500 to 2,500 patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances, for this reason GPs share your care with others, predominantly within the surgery but occasionally with outside organisations.  If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.  Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.  People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance admin staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments, the practice nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts whilst the GP you see or speak to will normally have access to everything in your record.  You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests. Please see below.  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 | Lochgilphead Medical Centre  Mid Argyll Community Centre, Blarbuie Road, Lochgilphead, Argyll, PA31 8JZ  01546 462002 |
| 2) **Data Protection Officer** contact details | Dr Jeremy Phillips  Mid Argyll Community Centre, Blarbuie Road, Lochgilphead, Argyll, PA31 8JZ  01546 462002 |
| 3) **Purpose** of the processing | Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care. |
| 4) **Lawful basis** for processing | 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:  *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.*  *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...”*  We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”\* |
| 5) **Recipient or categories of recipients** of the processed data | The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care. [if possible list actual named sites such as local hospital)(s) name] |
| 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 |
| 7) **Right to access and correct** | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance.  https://www.gov.scot/publications/scottish-government-records-management-nhs-code-practice-scotland-version-2-1-january-2012/ |
| 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 1115 (local rate)  Or by writing to them :  The Information Commissioner’s Office – Scotland  45 Melville Street  Edinburgh  EH3 7HL  Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk) |

\* “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.